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Note by the President of the Security Council

In paragraph 14 (d) of resolution 2095 (2013), the Security Council requested the Panel of Experts established pursuant to resolution 1973 (2011) to provide a final report to the Council with its findings and recommendations.

Accordingly, the President hereby circulates the report dated 15 February 2014 received from the Panel of Experts (see annex).

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Annex

Letter dated 15 February 2014 from the Panel of Experts on Libya established pursuant to resolution 1973 (2011) addressed to the President of the Security Council

On behalf of the members of the Panel of Experts established pursuant to Security Council resolution 1973 (2011), I have the honour to transmit herewith the report of the Panel prepared in accordance with paragraph 14 (d) of resolution 2095 (2013).

(*Signed*) Khalil **Msan**
Coordinator
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Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya

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Summary

The final report of the Panel of Experts established pursuant to Security Council resolution 1973 (2011), and most recently extended pursuant to Security Council resolution 2095 (2013), presents an analysis of the implementation of the measures imposed by resolution 1970 (2011), including the arms embargo, asset freeze and travel ban, and the modifications contained in subsequent resolutions — 1973 (2011), 2009 (2011), 2016 (2011), 2040 (2012) and 2095 (2013) respectively — for the period since its appointment on 3 April 2013 until the date of the present report. The report also outlines the Panel's findings and presents recommendations to the Security Council, the Committee established pursuant to resolution 1970 (2011) and Member States, including Libya, to improve the implementation of the relevant measures. The Panel also seeks to highlight instances of non-compliance based on substantiated data and information obtained.

The Panel's assessment is based on information received from Member States, relevant United Nations bodies, regional organizations and other interested parties during the period under review. The Panel also conducted several assessment trips to Libya, other parts of Africa, Europe and the Middle East during the period, during which it undertook arms inspections, when possible, and met with key stakeholders, including the United Nations Support Mission in Libya. During that time, the Panel visited a total of 15 countries and travelled to Libya nine times.

The consultations held with individuals, regional organizations and relevant United Nations bodies, together with the information received from various Member States, afforded the Panel the opportunity to obtain extensive information in pursuance of its mandate, including the evolution of the political and security context in Libya and its impact on the region.

Implementation of the arms embargo

The proliferation of weapons to and from Libya remains a major challenge for the stability of the country and the region. Despite some positive developments in rebuilding the Libyan security sector, most weapons are still under the control of non-State armed actors and border control systems remain ineffective.

Over the past three years, Libya has become a primary source of illicit weapons. In the course of this mandate, the Panel has continued to investigate leads relating to transfers of such weapons to 14 countries, including several cases that were identified in its previous report. Cases under investigation reflect a highly diversified range of trafficking dynamics, including State-sponsored transfers by air and transfers to terrorist and criminal entities in neighbouring countries by land and sea. This indicates how trafficking from Libya is fuelling conflict and insecurity — including terrorism — on several continents, with different weapons requirements, networks, end users, financing methods and means of transportation. This is unlikely to change in the near future.

In accordance with paragraph 13 of resolution 2009 (2011), several Member States have notified the Committee of transfers of military materiel to the Libyan authorities. While the creation of Libya's Military Procurement Department has been a significant development that has allowed for a more accountable procurement process, the Panel is concerned by a number of outstanding issues. Questions remain

about the lack of centralized oversight of military procurement, the absence of identified procurement focal points for ministries other than the Ministry of Defence that are procuring weapons, the lack of clarity regarding precise end users and the capacity of the various forces to manage and secure their stockpiles.

The Panel is also concerned by transfers to Libya in violation of the arms embargo, including non-notified deliveries to the national forces and transfers to non-State end users, particularly to the civilian market, where demand for certain types of small arms and ammunition is high. This in turn contributes to proliferation outside of Libya.

Travel ban

The Security Council imposed a travel ban on 20 individuals designated by the Council or the Committee according to paragraph 15 of resolution 1970 (2011) and paragraph 22 of resolution 1973 (2011). The Panel believes that several updates to the list are necessary in order to reflect the changed status and new information: of the 20 individuals, 5 are deceased, 4 are in Libya (where 3 are in custody), 7 are in other countries and the whereabouts of 4 remains unknown (see paras. 286 and 287).

The Panel investigated several media reports indicating that four individuals subject to the travel ban, namely, Aisha Qadhafi, Mohammed Qadhafi, Hannibal Qadhafi and Safia Farkash Al-Barassi, had left Algeria and travelled to Oman in October 2012. In responses to the Panel's enquiries, both Oman and Algeria indicated that Aisha Qadhafi and Mohammed Qadhafi had departed Algeria and were present in Oman. In February 2014, Oman indicated that Hannibal Qadhafi and Safia Farkash Al-Barassi were not currently residing in Oman and that it did not have additional information about their location.

The Panel also continues to investigate an alleged plot to smuggle Saadi Qadhafi, who is subject to both the asset freeze and travel ban sanctions, and his family to Mexico in 2011.

Implementation of the asset freeze

The focus of the Panel's efforts has now moved further towards the investigation of the assets of listed individuals. The Panel has obtained access to further details of the efforts made by Saadi Qadhafi and his associates to hide, move and use assets that should have been frozen. Much more information remains in records held by certain Member States, and access to those records has been requested and is awaited.

Important information has been received concerning bank accounts and companies owned or controlled by other designated individuals, situated in a number of Member States. Further information is being sought from those States with a view to identifying hidden assets that should be frozen and identifying other individuals that have assisted the designees to violate the measures. Extensive analysis of the documentation is under way and it is anticipated that this will produce further lines of enquiry. High-value assets allegedly belonging to listed entities and/or individuals have been located. The Panel has made requests for inspection visits, which still await approval.

Enquiries have revealed further instances in some African Member States of inadequacies in their legislative capacity to implement the asset freeze measures. In one instance, this has resulted in the dissipation of almost $2 million in funds that should have been frozen. The relevant Member States in those cases are aware of the situation and are attempting to address it. However, it is believed that the problem is widespread in the region and the Panel is making further enquiries to establish whether the asset freeze measures are being applied effectively, if at all.

Panel efforts to advise Member States in the matter of claims by the Government of Libya for the return of assets allegedly stolen by designated individuals have identified some confusion as to the means and the legality of achieving this. The Panel has communicated its opinion to relevant Member States and to the Committee. Suggestions as to the methods of dealing with the issue according to legal principles are contained in the present report.

I. Background

1. The evolution of the Libyan sanctions regime up to resolution 2095 (2013) can be found in the Panel's previous report (S/2013/99).

2. In resolution 2095 (2013), the Council further eased the arms embargo in relation to Libya concerning non-lethal military equipment.

3. During the reporting period, the Committee updated its implementation assistance notice No. 2 relating to the arms embargo, bringing it in line with the modification of the arms embargo in resolution 2095 (2013) and reflecting a newly installed Libyan focal point for arms procurement. All implementation assistance notices are available on the website of the Committee (www.un.org/sc/committees/1970/index.shtml).

A. Mandate and appointment

4. By resolution 2095 (2013), the Council extended the mandate of the Panel of Experts for a period of 13 months, to carry out the following tasks: to assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011); to gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided upon in resolutions 1970 (2011) and 1973 (2011) and modified in resolutions 2009 (2011), 2040 (2012) and 2095 (2013), in particular incidents of non-compliance; to make recommendations on actions that the Council, the Committee, the Government of Libya or other States may consider to improve implementation of the relevant measures; and to provide to the Council an interim report on its work no later than 90 days after the appointment of the Panel and a final report no later than 60 days prior to the termination of its mandate, with its findings and recommendations.

5. The Council also encouraged the Panel, while mindful of the responsibility of the United Nations Support Mission in Libya (UNSMIL), to assist the Libyan authorities to counter the illicit proliferation of all arms and related materiel of all types, including man-portable air defence systems, to secure and manage Libya's borders, to continue to expedite its investigations regarding sanctions non-compliance, including illicit transfers of arms and related materiel to and from Libya, and the assets of individuals subject to the asset freeze established in resolutions 1970 (2011) and 1973 (2011) and modified in resolutions 2009 (2011), 2040 (2012) and 2095 (2013), and encouraged UNSMIL and the Government of Libya to support the Panel's investigatory work inside Libya, including by sharing information, facilitating transit and granting access to weapons storage facilities, as appropriate.

6. Resolution 2095 (2013) was adopted on 14 March 2013, and the four experts were reappointed on 3 April 2013. A new regional expert was appointed on 30 April 2013 and a new coordinator and arms expert was appointed on 11 October 2013. The Panel consists of two arms experts, two finance experts and one regional expert.

B. Methodology

7. Following the renewal of its mandate, the Panel agreed on 11 May to adopt the methodology set out below, consistent with its past approach.

8. The Panel is determined to ensure compliance with the standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report (S/2006/997). Those standards call for reliance on verified, genuine documents and concrete evidence and on-site observations by the experts, including taking photographs, wherever possible. When physical inspection is not possible, the Panel will seek to corroborate information using multiple, independent sources to appropriately meet the highest achievable standard, placing a higher value on statements by principal actors and first-hand witnesses to events. While the Panel wishes to be as transparent as possible, in situations where identifying sources would expose them or others to unacceptable safety risks, the Panel will withhold identifying information and place the relevant evidence in United Nations secure archives.

9. The Panel is committed to impartiality in investigating incidents of non-compliance by any party.

10. The Panel is equally committed to the highest degree of fairness and will endeavour to make available to parties, where appropriate and possible, any information available in the report for which those parties may be cited, for their review, comment and response within a specified deadline. To further uphold the right of reply and in the interest of accuracy, the Panel will consider annexing to its reports any rebuttals, with a summary and assessment of their credibility.

11. The Panel safeguards the independence of its work against any efforts to undermine its impartiality and any attempts to create a perception of bias.

C. Cooperation with stakeholders and organizations

12. Since its appointment on 3 April 2013, the Panel has undertaken 32 visits to 16 Member States in Africa, Europe and the Middle East, including 9 visits to Libya. During its visits to Libya, the Panel travelled to Tripoli and Misrata. Owing to logistical and security difficulties, the Panel faced restrictions on its movements outside Tripoli.

13. Within the region, the Panel travelled to the Central African Republic, Mali, Mauritius, Morocco (to attend a conference), the Niger, Tunisia, Uganda and the United Republic of Tanzania, where it met with relevant representatives of national authorities, foreign diplomatic missions, international organizations, non-governmental organizations and civil society. The Panel also travelled to Armenia, France, Israel, Malta, Turkey and the United Kingdom of Great Britain and Northern Ireland, where it met with the relevant authorities to obtain information in furtherance of its mandate, including through on-site inspections. The Panel also received briefings from INTERPOL in Lyon, France, and discussed modalities for future cooperation.

14. The Panel travelled to New York on five occasions, during which it presented its interim report to the Committee, participated in a workshop for sanctions monitoring groups organized by the Secretariat and held meetings with representatives of the permanent missions to the United Nations of 31 Member

States. The Panel also travelled to Washington, D.C., where it met with representatives of the World Bank, the International Monetary Fund and the Departments of State, Treasury and Justice of the United States of America.

15. During the reporting period, the Panel sent 154 official communications (see annex II). The degree of responsiveness of Member States to requests for information has decreased, with some providing a comprehensive and timely response, others less so and some not at all. The Panel has encountered serious delays in obtaining responses from some Member States to its visit requests, with some Member States not responding at all (see annex III). The Panel particularly thanks those Member States that provided responses to its requests for information and granted visit requests, and urges those that did not do so to cooperate. The Panel is grateful for the support provided by the Committee in expediting responses to some of its requests.

16. During the current mandate, the Panel maintained good cooperation with UNSMIL, which provided valuable logistical and substantive support during its visits to Libya. In particular, the Panel would like to thank the Security Sector Advisory and Coordination Division of UNSMIL for its continuing support.

D. Political and security context

1. Overview

17. During the Panel's current mandate, Libya experienced an increasingly fragmented and polarized political landscape and serious internal security threats. Several non-State actors, including armed groups and transnational terrorist and criminal networks, presented serious challenges to the authority of the Government of Libya. The Government suffers from weaknesses in its governing institutions, its ability to address security and its capacity to manage its financial assets, including efforts to identify and recover assets diverted by the Qadhafi regime.

18. Most arsenals continue to be controlled by non-State armed groups and governing institutions have very limited capacity to control Libya's borders, ports and airports, which contribute to the overall insecurity in the surrounding region and within Libya. Instability and political deadlock impeded economic progress, as oil production rates remained below pre-revolution levels during the reporting period owing to technical problems and the blockading of oil facilities by non-State armed groups. Regional figures in the east announced the formation of a regional oil company in September 2013 to sell oil. However, Prime Minister Ali Zeidan has threatened to sink any foreign oil tankers that load supplies from terminals not under Government control.

19. The former regime used oil revenue to provide grants, increase salaries and expand subsidies. The current Government has maintained that practice, but although Libya may be able to manage such high expenditure for a few years, the policy will not be sustainable in the long term. That is supported by the fact that the oil output forecast for 2013 was reduced, together with a contraction in the real economy for the same period.[1]

[1] International Monetary Fund, "Libya 2013 Article IV consultation", Country Report No. 13/150 (Washington, D.C., 2013). Available from www.imf.org/external/pubs/ft/scr/2013/cr13150.pdf.

2. Political developments

20. Sharp political divisions continued during the reporting period, which were interconnected with security challenges as actors used actual and threatened force to advance their agendas. That instability impeded progress in Libya's political transition.

Multiple changes in the political transition road map

21. After the election in 2012 of Libya's General National Congress, the highest political authority in the country, it was initially given 18 months to lead the political transition, including the drafting of a new constitution and holding of new elections. Recently, Congress decided to extend its mandate to 24 December 2014. At the time of the present report, Libya was planning to hold elections to choose a 60-member constitutional drafting body on 20 February 2014. In the new transition plan, the deadline for drafting a new Libyan constitution is August 2014, with subsequent elections for a new parliament to be sworn in no later than 24 December 2014. On 3 February, Congress agreed to an amendment to its road map, saying that it would elect a new congress and a president as head of State in June 2014 if, by early May 2014, it appeared that the constitution drafting body was not likely to produce a new constitution by the summer.

Political isolation law

22. On 5 May 2013, the Government approved a law on political isolation that bans individuals who served in a broad range of political and administrative positions with the former regime from public service for 10 years. The debate over the political isolation law featured wide disagreement about the standards for excluding individuals from public office and contributed to the polarized political environment. Some armed groups resorted to violence and threats of force in their efforts to advance their positions on the law.

Transitional justice efforts

23. On 22 September, Congress passed a law on transitional justice that requires all detainees still held without judicial process to be released or handed over to the judiciary within 90 days of its promulgation. Several human rights organizations and media outlets reported that thousands of detainees remain in detention since the ousting of the Qadhafi regime, with some detainees in Government custody and others in prisons run by non-State armed groups.

24. Pretrial proceedings against Saif al-Islam Qadhafi, the former Libyan intelligence head Abdullah Al-Senussi and 36 others began on 19 September 2013. The Government of Libya has disagreed with the International Criminal Court, to which the conflict was referred by the Security Council. The Court indicted Saif Qadhafi and Al-Senussi for crimes against humanity, issued arrest warrants and requested Saif Qadhafi to surrender to it. That request was refused, while local authorities holding him in Zintan have refused to transfer him to the national authorities in Tripoli.

Calls for federalism challenge national Government

25. As politics became more polarized at the national level and transitional justice and national reconciliation efforts foundered, some political groups made calls for decentralization. On 1 June 2013, the Transitional Council of Barqa in eastern Libya unilaterally declared Cyrenaica as a federal territory within the framework of the Libyan State. On 3 November, federalists in eastern Libya announced a 25-member regional government. The regional leadership explained these moves by citing the perceived inattention of the central Government to its region.

3. Security developments

26. The general security situation in Libya has considerably deteriorated. Significant increases of incidents of carjacking, robbery, kidnappings, tribal disputes, political assassinations, armed attacks and clashes, explosions from improvised explosive devices and demonstrations continued. The situation continued to have a significant impact on the stability of the Government and the living conditions and security of the local population, and is exacerbated by the high rate of gun ownership among the population in the absence of any disarmament and effective weapons control efforts.

27. The slow process of rebuilding the security sector and lack of clarity regarding security responsibility between the Prime Minister, Government and Congress has not helped to improve the security situation. Armed groups that are nominally part of the State security institutions continue to operate with autonomy, despite a strong popular backlash in late 2013, and many of the individual security organs represent specific groups, regions or political affiliations. Some armed groups are paid by the Government to protect ministries and government offices. Many former fighters remain loyal to their commanders, tribes or cities.

28. Numerous international and regional organizations and countries continued to provide support and training to the Government of Libya in its efforts to strengthen the capacity of its security institutions. The Rome conference planned for March 2014 by the Friends of Libya international group will largely focus on international support to enhance Libya's security. Since its formation, the tasks of UNSMIL have included assisting the Government of Libya to restore public security and develop effective institutions and national security coordination. That includes the introduction of a national policy for the integration of ex-combatants into Libyan national security forces, or their demobilization and reintegration into civilian life, and efforts to counter illicit proliferation.

29. The European Union is assisting the Government of Libya to control its borders, ports and other points of entry. Some Member States, including Italy, Turkey, the United Kingdom and the United States, are offering training programmes for parts of Libya's national security forces. That training can enhance the capacity of the Government, but recent trends have demonstrated the interlinked nature of the political and security challenges in Libya and point to the urgent need for an inclusive national dialogue to address core political issues that have implications for basic security in Libya.

Increased personal insecurity

30. The personal insecurity of officials of the Government of Libya has increased, particularly in the east. Several abductions, assassinations and attacks were reported across Libya on the facilities of foreign nationals and diplomatic officials. Prime Minister Zeidan was briefly kidnapped by gunmen in Tripoli on 10 October. In addition, unknown gunmen assassinated the Libyan Deputy Minister for Industry in Sirte on 11 January.

Threats from terrorist groups

31. A complicated mix of Al-Qaida affiliated and inspired groups have taken advantage of the lawlessness to establish a growing presence in many parts of the country. Groups such as Ansar al-Sharia in Libya and armed elements linked to Al-Qaida in the Islamic Maghreb have conducted attacks and exploited the lack of ruling authority in many parts of Libya to convene planning and coordination meetings with other terrorist networks operating in North Africa and the Middle East. The capture of two prominent Islamist militant leaders, Nazih Abdul-Hamed al-Ruqai (also known as Anas al-Libi) in Tripoli in October 2013 and, reportedly, Saifallah Benhassine (also known as Abu Iyadh) in December 2013 demonstrated the attraction Libya holds for terrorist groups.

Continued insecurity

32. Following the serious armed confrontations between groups from Misrata and Tripoli in the capital, popular protests against the presence of armed groups resulted in the killing of dozens of protesters. In the aftermath of those protests, some armed groups withdrew from Tripoli on 21 November 2013. Nevertheless, continued insecurity in Tripoli demonstrates that building the security capacity of the Government of Libya remains a major challenge.

33. In eastern Libya, some armed groups with an extremist Islamist orientation and transnational links presented a threat to stability and contributed to arms proliferation (see also para. 43). On 8 June, forces belonging to Libya Shield, a cadre of armed groups that operates autonomously, even though it is nominally under the command of State security institutions, opened fire and killed 31 protesters at its Benghazi headquarters. Libya's Army Chief of Staff, Yousef Al-Mangoush, resigned in reaction to the shootings. Disbanding independent armed groups and bringing them under the full authority of the Government remain a major security and political challenge.

34. Fighting between government Special Forces and the terrorist group Ansar al-Shariah has also escalated, with a November firefight across Benghazi killing nine. Since then, government forces in and around Benghazi have been targeted by assassinations and suicide bombings. Continued insecurity in eastern Libya presents an ongoing challenge to counter-proliferation efforts.

35. The ability of the Government to fully assert its authority in the south remains severely limited and numerous reports have emerged that transnational terrorist groups have entered southern Libya from neighbouring countries, including Mali and the Niger.

36. In addition to transnational terrorist and security threats, multiple internal divisions present a major challenge in southern Libya. Clashes have taken place

between the Libyan armed forces and affiliated armed groups and alleged Qadhafi supporters, and between Tebu and Arab tribes in the southern desert. Following the clashes, Congress declared a state of emergency. Tensions over border control, oilfields, conflicts on the citizenship status of particular communities and control of lucrative smuggling routes are dominant in the region. The southern region also continues to face security and political challenges related to the difficulties of internally displaced persons.

Regional context

37. In the Panel's missions to countries throughout the region, government interlocutors raised the impact of the developments in Libya on local security dynamics. The increased availability of weapons has empowered a variety of non-State actors in conflict with national authorities. Transfers from Libya of more regular and significant quantities of arms and, at times, fighters have developed towards three geographic areas, namely, the Syrian Arab Republic via Lebanon and Turkey, Egypt and the Sahel (see sect. II.E below).

38. The Government of Libya reached out to a number of countries in the region, including Algeria, Egypt and Tunisia, to discuss security cooperation and ways to strengthen border controls. The November 2013 conference in Rabat called for a regional training centre to be established on border security, involving countries in northern Africa and the Sahel-Saharan area.

II. Implementation of the arms embargo

A. Weapons control in Libya

39. Most of the arms proliferation challenges within and from Libya identified in the Panel's previous report persist today. Civilians and autonomous armed groups remain in control of most of the country's weapons, and ineffective security systems and border controls remain primary obstacles to countering arms proliferation.

40. The Panel's mandate focuses on arms coming in and out of the country, but transfers of military materiel within Libya continue to be very dynamic, either through commercial transactions or seizures of stockpiles by force, which is critical to understanding how to address arms proliferation.

41. In addition to the weapons requirement of the government security forces, another factor driving arms transfers into Libya is a large civilian black market for arms due to strong public demand. Many Libyan citizens own weapons to protect themselves because the public security sector is weak (see sect. II.D.1).

42. Libya did not implement any major civilian disarmament or weapons registration programmes in 2013. In December 2013, Congress passed a law criminalizing the possession of weapons, but the law has not been implemented to date.

43. Arsenals of non-State armed actors are the major source of weapons proliferation out of Libya, yet disarmament, demobilization and reintegration efforts remain very limited. Armed brigades with links to formal security forces maintain control of their weapons. Some brigades apply measures, to a limited extent, to

control and secure their arsenals, including with support from international actors. However, this is largely insufficient to prevent accidents and diversions.

44. Controls of the Libyan national security and defence forces to manage and secure their weapons are unclear and risks of diversions remain. Multiple Libyan and foreign sources in Libya expressed their concern regarding potential diversions of transfers destined for national forces or from stockpiles under their control. This is difficult to ascertain, since there exists neither an independent monitoring process of transfers to Libya, nor any monitoring of how materiel is managed once delivered to Libya. Government forces regularly receive deliveries of new materiel requiring proper storage and management. International support in that area is crucial.

45. In addition, the reliance of the Libyan security sector on an array of armed groups to provide public security implies that some materiel may be shared with those groups. Sources also reported that some members of the security forces may be selling their service weapons, particularly handguns, which are in strong demand among Libyan civilians (see sect. II.D.1).

46. Several thefts by armed groups of materiel from national forces have been reported. For instance, unknown armed people raided a military camp referred as "camp 27" in August 2013. Media reports claimed that the United States had provided training for the Libyan forces in the camp and that rifles, handguns, night-vision equipment and Humvee vehicles were stolen.[2] The Panel contacted the United States to enquire about the allegations and find out when the materiel had been brought into Libya. The United States responded that some items that had been transferred to Libyan control were unaccounted for and presumed stolen from the camp. The Panel is still awaiting an answer from the Libyan authorities.

47. Another source of arms proliferation from Libya are old ammunition stores from the Qadhafi regime, which still contain large quantities of materiel and remain under the control of a range of actors. Security and stockpile management measures in place for those stores is generally very poor, resulting in regular looting and onward proliferation of the materiel, not to mention the significant risk of detonations. In November 2013, an explosion occurred in the storage area of Brak El Chatiin southern Libya, in which 40 people were killed. The explosion had apparently been caused by looters. According to UNSMIL, Brak El Chati is one of 47 Libyan ammunition storage areas, of which 21 were damaged during the revolution.[3] Thousands of tons of ammunition are still unsecured in the country. The work of the Mine Action Service and its partners to help secure and clear the storage areas is essential to countering proliferation and preventing accidents (see para. 285 (c)).

48. Regarding non-conventional weapons, Libya announced in February 2014 that its chemical weapons stocks had been destroyed. In terms of uranium yellowcake, which raised concerns among the international community after media reports in 2013 about the risks of diversion, Libya told the Panel that it had implemented additional measures to secure the stores and was awaiting a visit by the International

[2] See, for example, "Theft of US weapons in Libya involved hundreds of guns", Fox News, 25 September 2013. Available from www.foxnews.com/politics/2013/09/25/theft-us-weapons-in-libya-involved-hundreds-guns-sources-say/.

[3] See http://unsmil.unmissions.org/Default.aspx?tabid=3543&ctl=Details&mid=6187&ItemID=1773377&language=en-US.

Atomic Energy Agency (IAEA), whose representatives explained to the Panel that yellowcake did not represent a high security risk without extensive processing. To date, the Panel has not documented any transfers of such materiel abroad.

B. Security and disarmament assistance to the Libyan authorities

49. The Panel previously raised concerns about transfers of military materiel that had been properly notified to the Committee, in particular lethal materiel (S/2013/99, paras. 47-53). The two main concerns were the unclear identities of end users and the lack of an official Libyan procurement body with oversight of military transfers. Added to those concerns are the current fragmentation of Libya's formal security sector and the existence of several parallel security groups enjoying various degrees of cooperation with the formal sector.

50. After the adoption of resolution 2095 (2013), the Chair of the Committee sent a letter dated 3 April 2013 to the Government of Libya requesting that it assign a focal point structure, utilize the end-user certificate and inform the Committee on the safeguarding procedures in place for arms and ammunition. In an exchange of letters between the Committee and the Permanent Representative of Libya to the United Nations in New York over the following few months, the Committee was informed that the Government of Libya had made the Military Procurement Department of the Ministry of Defence the only focal point for arms procurement by all ministries and agencies. That included the communication of the names of the only two officials authorized to sign on behalf of the Department. As regards the safeguarding of materiel, the Permanent Representative informed the Committee that the "Arms and Ammunition Department" had rules and procedures in place for the storage, recording and distribution of materiel, which were strictly applied to the army and the police.

51. The creation of the Military Procurement Department and the official designation of authorized individuals was a significant development that allowed for a more accountable procurement process. In August 2013, the Panel attended a procurement workshop organized by the Ministry of Defence to reinforce the capacity of the Department.

52. The Panel notes operational shortcomings in the Libyan procurement process, as described above. In practice, the process does not cover procurement by other ministries than the Ministry of Defence. The Panel believes that the Ministry of Justice and the Ministry of Interior are also procuring materiel. Since the assignation of the Military Procurement Department as the exclusive focal point, the Committee has not received any notifications regarding transfers to the Ministry of Justice or Ministry of Interior, or any other ministries or agencies. The Panel met the director of the Department in January 2014, who explained that it was not responsible for the procurement of other ministries, and had no information about their procurement. The Panel has brought this to the attention of the Committee and the Libyan Mission to the United Nations in New York, but so far to no avail. The situation requires greater clarity and resolution or the potential for continued weapons proliferation will remain a threat to the security situation and undermine the authority of the Government of Libya (see paras. 283 and 284 (a)).

53. Furthermore, despite the existence of the Military Procurement Department, the Committee has received notifications that include documentation signed by

officials of the Ministry of Defence other than the authorized Department staff. For instance, since June 2013, seven notifications including small arms and light weapons were submitted to the Committee by several Member States, only one of which provided documentation signed by one of the authorized officials of the Department (see para. 285 (a)). The notifications included various items, among them over 42 million rounds of 7.62 x 39 mm ammunition and more than 65,000 assault rifles. The Panel is not in a position to confirm how much of that materiel has actually reached Libya.

54. The fact that several channels still exist within the Ministry of Defence that negotiate arms contracts indicates that there is no centralized oversight of weapons procurement. On several occasions, the Panel contacted the Military Procurement Department to verify notifications submitted to the Committee. However, the authorized officials at the Department were not always aware of the materiel listed in the notifications.

C. Transfers of military materiel to Libya during the revolution in support of the parties to the conflict

55. The Panel continues its investigations regarding cases that were mentioned in its two previous reports(S/2012/163 and S/2013/99) and follows new leads regarding the provision of support to both parties during the revolution. However, all information obtained during the mandate relates to transfers to the opposition.

Update on previously reported transfers of ammunition to Libya organized by the United Arab Emirates

56. In order to build a comprehensive understanding of the transfers of ammunition from Albania to Libya organized by the United Arab Emirates in September 2011, the Panel visited Armenia and asked Ukraine and the United Arab Emirates for additional information(see annex V).

Update on transfers from Qatar

57. The Panel has received additional responses to tracing requests relating to the analysis of the arms shipment transported by the *Letfallah II* (S/2013/99, paras. 171-182). One of the FNFAL assault rifles (No. 1531415) found on board that ship was part of an order dated 21 December 1979 and exported by Belgium to Qatar. The rifle is likely to be part of materiel deliveries made by Qatar during the uprising that the Panel documented in its previous reports. This is an additional example of how some of the materiel delivered to the opposition during the uprising has since been illicitly transferred out of Libya, including towards other conflict zones.

Update on the transfer of an unmanned aerial vehicle by a Canadian company

58. In its previous report, the Panel mentioned that, according to information released in 2011 on the website of Aeryon Labs Inc., a drone manufactured by the Canadian company was transferred to the Libyan opposition in 2011 to help acquire intelligence on enemy positions (S/2013/99, paras. 102 and 103). The Panel contacted Canada several times to obtain information. In 2012, Canada explained that information could not be shared owing to an ongoing investigation. In 2013,

without providing further information, Canada explained that the investigation had been concluded and no prosecution had resulted.

Alleged transfer from Italy

59. The Panel contacted Italy concerning a media report that had been brought to the Panel's attention during this mandate, published in September 2011,[4] stating that, in May 2011, a significant amount of military materiel, including assault rifles, light weapons and related ammunition, had been transferred by sea from stores located in Santo Stefanoto Civitavecchia, Italy, and from there to Benghazi, in support of the opposition. The report also mentions that an inquiry was launched by a public prosecutor regarding the fact that, following a judicial order, the materiel in question should have been destroyed. No response has been received to date.

D. Transfers to Libya in violation of the arms embargo

1. Transfers to the civilian black market in violation of the arms embargo

60. In its previous report, the Panel mentioned the growing demand in Libya for small arms, particularly handguns, hunting rifles, shotguns and related ammunition, and their resulting illegal import in violation of the arms embargo (S/2013/99, paras. 108-111). The Panel is concerned not only about the potential use of such firearms in acts of violence in Libya, but also the risks of proliferation of the materiel abroad. Since 2012, the Panel has documented small-scale transfers of such materiel from Libya to different countries, including Algeria and Tunisia.

61. The Panel notes that a number of shops that openly sell small arms have been set up in several cities since the revolution. The Panel visited a number of the shops and market stalls. The materiel on display was brand new and the retailers explained that most of the materiel was procured from Turkey because of low prices. The Panel mentioned this to Turkey during the meeting in Ankara in November 2013. The authorities said they would investigate and asked the Panel for technical details.

62. New guns for sale are also advertised on Facebook pages dedicated to trade between private individuals. Interviews with shopkeepers and gun owners and analysis of advertisements posted online indicate that handguns and related ammunition are still the weapon of choice, costing between 2,000 and 5,000 Libyan dinars. Importing such materiel is therefore a lucrative business and seizures bound for Libya made in 2013 clearly reflect that trend. Blank-firing pistols are also very popular in Libya, particularly in urban areas, where they are sold on the streets for 150 Libyan dinars.

63. The Panel is investigating three significant seizures made in 2013 by Greece, Turkey and Malta involving small arms and/or related ammunition. As mentioned in the previous report, the cases in Turkey and Greece concerned transport companies that had previously been reported for violations and a potential violation of the arms embargo (S/2013/99, paras. 171-182). This new development further strengthens the case that the companies and some people working for them are complicit in weapons trafficking activity.

[4] Sergio Finardi, "Le armi segrete dal Belpaese ai conflitti", *Altereconomia*, 29 September 2011. Available in Italian only from www.altreconomia.it/site/fr_contenuto_detail.php?intId=2942.

64. Some companies are unaware that such weapons fall under the arms embargo. For instance, an ammunition manufacturer registered its name as the consignee of a container of embargoed ammunition sent to Libya without any attempt to hide the name of the company or the cargo (see para. 285 (b)). The importers or end users also appeared to be unaware of this.

The Alexandretta (International Maritime Organization number 8913772)

Figure I
The *Alexandretta*

Source: Panel of Experts, Tripoli, 20 June 2013.

65. On 28 March 2013, Greece submitted a report to the Committee pursuant to paragraph 13 of resolution 1970 (2011) regarding the inspection of the *Alexandretta* (see figure I), a ship carrying embargoed goods, in the port of Volos, Greece, on 20 February 2013. The Greek authorities provided the results of that report in a second report, submitted on 23 April 2013.

Ship and company

66. The *Alexandretta* belongs to Khafaji Maritime Co.,[5] a company based in Tartous, Syrian Arab Republic. As mentioned in the Panel's previous report, the owner of the company, Mohamad Khafaji, a Syrian citizen, had been convicted in Lebanon of illicitly transferring weapons from Libya on board the *Letfallah II*, which he also owns (S/2013/99, annex XII). The *Alexandretta* is registered in Saint Vincent and the Grenadines (see annex VI) and, according to the Lloyd's list intelligence vessel report of 30 May 2013, had been operating mainly in the Mediterranean Sea, with port calls in Libya (the ship was photographed by the Panel in Tripoli in June 2013), Turkey, Greece and Egypt.

[5] See www.khafaji-maritime.com.

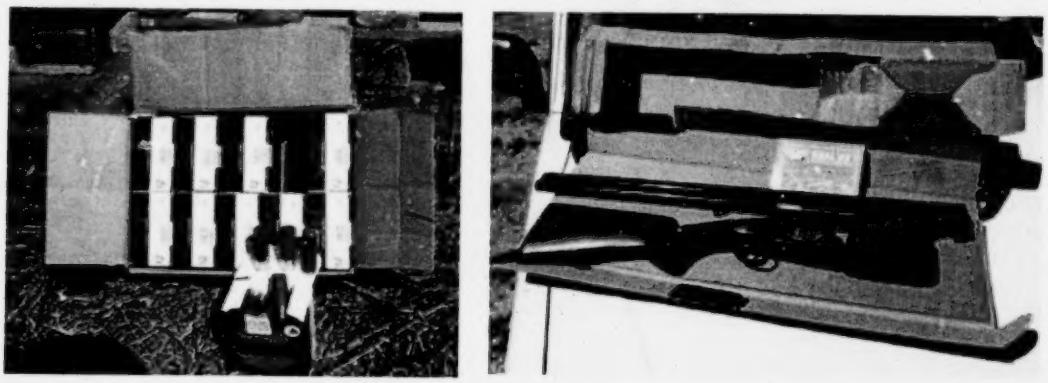
Route

67. Greece confirmed that the ship arrived in Volos on 24 January 2013 from Derince, Turkey. The above-mentioned vessel report confirms that the ship had come from Turkey. The containers were seized by Greece and the ship was released the same day. It is not clear yet whether the ship was heading to Tripoli or Misrata.

Shipment

68. The bill of lading indicated that the ship was carrying three containers containing more than 1,700 hunting rifles and 1 million hunting cartridges, as well as 2,500 blank-firing pistols and 500,000 rounds of related ammunition (see figure II and annex VII). The consigner was Özkursan Otomotivve Metal Makina, a Turkish manufacturer of hunting ammunition. The consignees were Al Sayed for Equipment and El Sada Company, Libya.

Figure II
Materiel seized from the *Alexandretta*



Source: Greek authorities, 2013.

69. The Panel is waiting to be granted access to the materiel. It will also contact Turkey in that regard.

The Al-Entisar (International Maritime Organization number 890444)

70. Following a media report[6] regarding the seizure by Turkey of weapons and ammunition from a Libyan-flagged fishing vessel in Istanbul, Turkey, the Panel contacted Turkey and requested further information and access. In May 2013, Turkey responded with information regarding the ship and cargo. In a further response, provided in June, Turkey explained that the investigation was ongoing, that the relevant authorities had not released any evidence indicating that a violation of the arms embargo had occurred and that the outcome of the investigation would be shared with the Panel. This was reiterated when the Panel visited Turkey in November 2013, though it was unable to inspect the materiel at that time. In

[6] "Weapon arsenal discovered in Istanbul on ship heading to Libya", *Hurriyet Daily News*, 24 April 2013. Available from www.hurriyetdailynews.com/weapon-arsenal-discovered-in-istanbul-on-ship-heading-to-libya.aspx?pageID=238&nid=45594.

February 2014, Turkey informed the Panel that legal action was ongoing and that more information would be shared following the conclusion of the trial.

71. The Benghazi-registered *Al-Entisar*, owned by Attud Fishing, arrived from Malta. According to intelligence, it was apprehended in the dockyard of Tuzla Gemtis, Turkey, on 21 April 2013. The eight crew members were Indonesian. The Libyan captain of the ship and a Turkish citizen who allegedly provided and loaded the items on board were arrested.

72. As mentioned in the Panel's previous report, the *Al-Entisar* had been involved in a potential violation of the arms embargo, which is still under investigation (S/2013/99, paras. 183-188).

73. Turkey has not yet confirmed the port of destination of the shipment.

74. Turkey stated that it had seized 1,000 pump-action rifles, 199 7.65 mm pistols, 214 9 mm pistols, 5,000 rounds of 7.65 mm ammunition, 260 rifle cartridges, 2 gas masks and 251,000 shotgun cartridges from the *Al-Entisar*.

75. The Panel is continuing its investigations, awaits access to the vessel and hopes to obtain comprehensive information about the shipment, including shipping documents, the identity of the consigner and the consignee, the port of destination and the suspects' statements.

Ammunition smuggling network dismantled in Malta

76. In September 2013, media articles[7] reported that two individuals, a Maltese national and a Libyan national, had been charged with illegal trading of ammunition following the discovery by Malta of 40,000 rounds of ammunition en route to Libya. As mentioned in the Panel's previous report, the Maltese national had already been involved in an attempt to transfer ammunition to Libya in August 2012, in violation of the arms embargo (S/2013/99, paras. 110 and 111). The Panel obtained information about the case during its visit to Malta in January 2014 and inspected the materiel.

77. On 21 September 2013, the Libyan national was arrested while transporting by car 13,500 rounds of 9 x 19 mm ammunition and 9,952 rounds of .38 calibre ammunition, all locally manufactured (see figure III). When questioned, he explained that he was to deliver the ammunition to someone with a boat located in Msida, Malta, who would transfer the ammunition to Libya.

78. Ammunition components were imported by the Maltese national and provided to Mario Farrugia, another Maltese national residing in Gozo, Malta, who admitted to having manufactured the rounds in his workshop. The ammunition was then transported to the shop of the first Maltese national in Rabat. Mr. Farrugia was prosecuted, pleaded guilty to a firearms offence and received a two-year suspended prison sentence.

79. According to the Libyan national, the deal had been made between the Maltese national and a second Libyan national who visits Malta from time to time to make orders, pay for ammunition and arrange logistics for the transfers. The first Libyan national claimed that the transfer was not the first, and that he had been responsible

[7] See "Two men charged with arms trafficking to Libya", *Malta Today*, 23 September 2013. Available from www.maltatoday.com.mt/en/newsdetails/news/courtandpolice/Two-men-charged-with-arms-trafficking-to-Libya-20130923.

for transporting the ammunition upon instruction from the second Libyan national. Mr. Farrugia also stated that transfers to Libya had happened before, which the Maltese national denied.

80. The Panel is analysing information collected during the inspection and will contact various Member States with tracing requests. The Panel also awaits additional details from Malta, once the judicial process concludes.

Figure III
9 x 19 mm ammunition seized in Malta

Source: Libya Panel of Experts, Malta, January 2014.

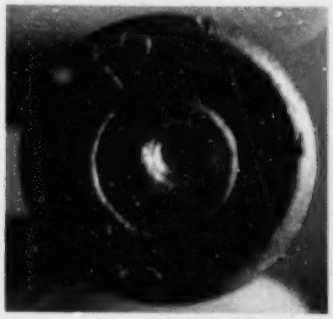
2. Transfers to non-State armed groups in violation of the arms embargo

81. While the Panel believes that some non-State armed groups in Libya are receiving new materiel, these transfers are hard to document. Furthermore, meeting such actors and gaining access to their arsenals remains a challenge, and the distinction between national forces and some non-State groups is not clear (see para. 27).

82. In 2012 and 2013, the Panel documented ammunition used by non-State armed groups that was likely to have been produced by the Sudan after the imposition of the arms embargo. The Panel requested additional information about the transfer from the Sudan, as no formal notification or exemption request had been made. No response was received. The ammunition produced in 2012 was documented by the Panel following armed clashes that took place in November 2013 in Tripoli between Tripoli and Misrata brigades (see paras. 32-36).

Figure IV
7.62 x 39 mm ammunition produced in 2011; Markings: 39-011-2

Figure V
7.62 x 39 mm ammunition produced in 2012; Markings: 39-12-1



Source: Panel of Experts, 2013.

83. Finally, while the situation regarding the presence of armed groups in the south is unclear, Libyan and foreign security sources indicate that some groups may have crossed the border into Libya with materiel. However, the Panel currently has no evidence of this.

3. Non-notified transfers to Libyan authorities

84. Different parts of the Government of Libya are negotiating arms contracts with Libyan and foreign companies. The Panel has reason to believe that some transfers of arms and ammunition have taken place since the end of the revolution in violation of the arms embargo. Those transfers undermine the efforts of the Libyan authorities to build an accountable and transparent procurement process. Several cases are still in the early stage of investigation. The Panel can therefore only present the two cases below.

Transfers of Mi-24 helicopters from the Sudan to Libya

85. According to information provided to the Panel, the Government of the Sudan has transferred several Mi-24 helicopters (also designated as Mi-35) to the Libyan authorities after the imposition of the arms embargo, without notifying the Committee, including those with tail numbers 954, 958 and 959.

86. A representative of the Libyan Ministry of Defence who had been involved in the negotiations acknowledged the transfer of several helicopters from the Sudan. He explained that, at the end of the revolution, the helicopter fleet was depleted and additional materiel was needed. He mentioned that the helicopters were on lease and confirmed that one of them was the helicopter that crashed in Benghazi during an air show in July 2013 that had been reportedly organized to celebrate the graduation of 30 pilots who had undertaken training by the Sudanese Air Force.[8] According to the crash footage, the tail number of the helicopter in question appeared to be 958 (see figure VI).

[8] See http://libya.tv/en/two-killed-in-airshow-helicopter-crash/.

Figure VI
Mi2-24 helicopter with tail number 958 in Libya

Source: Facebook page of the Libyan Air Force, 1 February 2013.

87. The Panel was provided with photographic evidence of the helicopter bearing tail number 954, taken in 2012 in the Sudan and bearing Sudanese insignia (see figure VII). In 2013, the same helicopter was photographed in Libya with Libyan insignia (see figure VIII).

Figure VII
Mi-24 bearing tail number 954, documented in the Sudan in 2012

Source: Collection Pit Weinert.

Figure VIII
Mi-24 bearing tail number 954, photographed in Libya in 2013

Source: www.airforce.ru.[9]

88. The Panel wrote to the Sudan asking how many helicopters had been transferred and when. No response has been received. The Panel also asked the Russian Federation whether the Mi-24 helicopters with tail numbers 954, 958 and 959 had been transferred to the Sudan and if it had any information regarding the transfer from the Sudan to Libya. No response has been received.

Interception of the Nour M *(International Maritime Organization number 7226627)*

89. On 11 November 2013, media reports[10] indicated that Greece seized a Sierra Leone-flagged ship, the *Nour M*, which had been transporting arms and ammunition to Libya. The Panel immediately contacted Greece to confirm the information and requested access to the materiel, since no notification had been submitted to the Committee in relation to the shipment at that time. At the time of the present report, no notification process had been initiated before the Committee (a detailed explanation for this is provided in confidential annex I).

[9] See http://forums.airforce.ru/attachments/matchast/46833d1360867963-416541_108203992688623_1137269519_o.jpg/. Pictures of the helicopter were also published on the Facebook page of the Libyan Air Force, available from www.facebook.com/photo.php?fbid=641390205901952&set=pb.289212221119760.-2207520000.1392074173.&type=3&theater.

[10] See, for example, "Greece hold arms-laden ship", *News24*, 11 November 2013. Available from http://www.news24.com/World/News/Greece-holds-arms-laden-ship-20131111-2.

90. On 19 November 2013, Greece sent a preliminary report to the Committee on the interception of the ship, stating that it had been transporting various types of ammunition to Tripoli and that the cargo had been seized.

91. On 20 January 2014, Greece submitted a detailed report to the Committee regarding the case and the inspection of the cargo. The Greek coast guard approached the *Nour M* on 8 November owing to its irregular course. The captain announced that the ship was transporting ammunition to Tripoli. The vessel was then escorted to Rhodes, Greece, where the cargo was seized. Greece documented 55 containers on board containing 1,000,000 rounds of 14.5 x 114 mm ammunition, 1,025,000 rounds of 12.7 x 108 mm ammunition and 30,000,600 rounds of 7.62 x 39 mm ammunition. It also provided pictures of the ammunition to the Panel, which show that the materiel had been produced in various plants of the former Soviet Union in the 1970s and the 1980s (see figure IX). Contrary to media reports, no arms were onboard.

92. The bill of lading (see annex IV) mentions that the shipper of the cargo was the Ukrainian State company Ukrinmash and the consignee the Ministry of Defence of Libya. The port of loading was Oktyabrsk, Ukraine, and the port of delivery was Tripoli. According to Greece, the cargo had recently been bought by "Tss Silah Ve Savunma Sanayi Dış Ticaret Limited Şirketi", a company based in Turkey, for the needs of the Libyan Ministry of Defence. The Panel will contact Turkey in this regard.

93. The Panel received the above information very recently and is investigating the case. The Committee responded to Greece, welcoming the inspection report and confirmed the Panel's availability to inspect the seized materiel.

Figure IX
Materiel seized aboard the *Nour M*

Source: Greek authorities, Rhodes, Greece, January 2014.

E. Transfers of military materiel out of Libya

94. Since the adoption of the arms embargo in March 2011, the geographical area covered by the Panel's investigations continues to expand. The Panel continues to investigate cases of potential violations reported in its previous reports and has pursued leads regarding alleged transfers from Libya to 14 countries.

95. The Panel's investigations have focused on the very different dynamics of illicit transfers, for example, allegations of State-sponsored transfers by air to armed groups in the Syrian Arab Republic, by land to terrorist groups in northern Mali and by boat to Egypt, showing how illicit transfers from Libya are reaching various continents and types of security crisis, with different weapons requirements, networks, end users, financing methods and means of transportation.

96. Covering such a broad scope of potential violations presents serious challenges. First, the Panel has limited resources with which to cover a two-way embargo that is breached on a regular basis and covers the entirety of Libya's territory. The geographical area covered by the Panel's investigations expands every year and includes a large part of Africa, Europe and the Middle East (see para. 282). Second, the insecure environment in Libya and in countries where end users operate, including northern Niger, northern Mali, the Syrian Arab Republic, the Sinai Peninsula, the Gaza Strip and Somalia, makes field research and information-gathering very difficult. Third, this mandate has been marked by a notable decrease in cooperation from some Member States, who have not granted requests to visit and to inspect seized materiel. Those countries, in particular Algeria, Chad, Egypt and Nigeria, are of great importance to the Panel. They suffer from weapons proliferation from Libya, either directly or as transit countries. Some have significant internal security capabilities, resulting in successfully intercepted transfers, and have developed a valuable assessment of the situation on the ground.

97. As mentioned in section II.A, above, the vast majority of Libyan stockpiles are under the control of non-State actors, which are the main protagonists in the trade. Most transfers under investigation appear to originate from stockpiles located in Benghazi, Misrata, Zintan and the area of Sebha, where national authorities have very little presence. The size of some shipments and transfers made by air indicate that some Libyan officials may be aware of some of the transfers, or even directly involved.

98. In terms of end users, while various types of individuals and armed entities are benefitting from the dissemination of Libyan arsenals, the majority of areas in question are prone to terrorism and the materiel is likely to enhance the capacity of terrorist groups in areas such as Egypt, Mali, Nigeria, the Syrian Arab Republic, Tunisia and the Gaza Strip.

99. The very significant stockpiles that are still available in Libya, the absence of any control by the national authorities, the development of local arms dealers and networks over the past three years and the numerous security crises in the wider region have made Libya a primary international source of illicit weapons trafficking. This is not likely to change in the near future.

1. Transfers to the west

100. In order to gain a full understanding of weapons proliferation in Libya, particularly to the west and south of the country, it is necessary to analyse the issue on a basis that goes beyond national boundaries. The groups that conduct weapons transfers, such as terrorist groups in the Sahel or criminal networks from transnational ethnic groups, including Tebus and Tuaregs, generally operate across borders. However, the Panel presents its findings by country, since most of the information is provided by Member States, whose information rarely goes beyond their borders. This indicates a lack of effective regional initiatives and that arms trafficking is too

often addressed by the same national authorities — and the multilateral and bilateral actors that support them — on a national rather than a regional basis.

Tunisia

101. Every year since its establishment, the Panel has been invited by Tunisia, where it has been provided with useful information. The Panel travelled to Tunisia in November 2013 to discuss the trafficking of arms from Libya.

102. In its previous report, the Panel reported on trafficking patterns involving small "ant trade" dynamics in the north, as well as more serious smuggling in the south, particularly organized by individuals working with or for groups affiliated with Al-Qaida in the Islamic Maghreb for onwards trafficking into Algeria, and the use of caches close to the Algerian border for further dispatch (S/2013/99, paras. 123-125).

103. During this mandate, the authorities mentioned similar patterns but highlighted the increased terrorist threat that has developed in Tunisia over the past year, including the deadly attacks against national security bodies and politicians, and the fact that military materiel coming from Libya had contributed to the capacity of terrorist groups. The authorities explained that, while some transfers continue to pass through Tunisia, an increasing amount of materiel is actually staying in Tunisia to be used by local actors. The authorities also expressed their concern about the potential development of links between Tunisian radical armed groups and Libyan entities.

104. Trafficking points of major concern are located in the coastal area, the Nafusa Mountains and the far south of Tunisia where Libya, Algeria and Tunisia meet.[11] The authorities have increased their security presence and created a buffer zone to help contain smuggling and incursions of armed groups from Libya. While Tunisia has developed security cooperation with Algeria, it is still difficult to identify cooperation counterparts in Libya, since the security sector is weak and brigades are running most border control activities. During the reporting period, Tunisia closed the border crossings several times owing to security concerns.

105. Tunisia provided the Panel with information regarding various seizures, including small quantities of arms and ammunition smuggled by individuals, larger seizures and the discovery of caches related to terrorist armed groups. The authorities identified two main trends that were not mutually exclusive: seizures from those involved in trafficking for profit, for which several people are currently being prosecuted; and those from individuals or groups associated with terrorism. Most of the latter are Tunisian nationals, although cases involving Algerians and Libyans are also under investigation.

106. The authorities granted access to the seized materiel controlled by the army (see annex XII). However, as arms trafficking cases are followed up by several security bodies, a comprehensive picture of arms seized since 2013 has been difficult to obtain. Nevertheless, the Tunisian authorities highlighted the cases below.

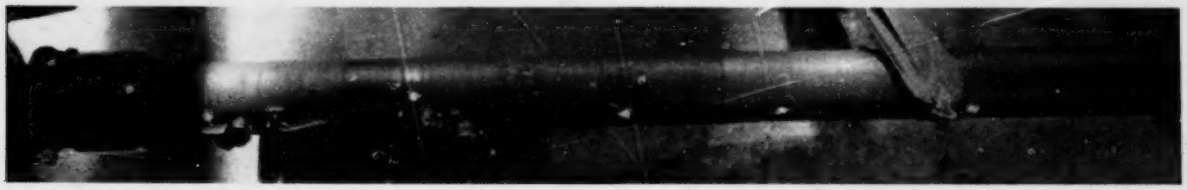
107. Two main caches were discovered in urban areas in Medenine and Mnilah. According to the authorities, the materiel came from Libya in transfers financed by groups linked to Al-Qaida through commercial smugglers.

[11] For a detailed analysis of trafficking routes between Libya and Tunisia, see Moncef Kartas, *On the Edge? Trafficking and Insecurity at the Tunisian-Libyan Border*, Small Arms Survey (Geneva, 2013).

108. In January 2013, the authorities discovered a large cache of weapons in Medenine, including eight complete Sa-7b man-portable air defence systems (see annex XIII), assault rifles, anti-tank mines, ammunition for small arms and machine guns, grenades and PG7 rockets. The Panel inspected some of the materiel in November 2013 and is currently analysing it and investigating its origin with various producing countries.

109. Some of the Panel's preliminary findings show that several types of small arms and machine gun ammunition (manufacturer and year of manufacture) have been documented in Libya. The Panel also documented a SA-7b man-portable air defence system tube (lot 02-75, No. 02861) during the inspection. The Panel has enquired with sources in Libya and confirms that lot 02-75 exists in Libya, and that serial numbers very close to the item have been recorded there. This indicates Libyan provenance. The Panel will send a tracing request to the country of manufacture to confirm the original transfer destination of the item.

Figure X
SA-7b man-portable air defence systems



Source: Libya Panel of Experts, Tunis, November 2013.

110. Another cache was discovered in Mnilah in February 2013. The Ministry of the Interior published pictures of the seizure on its Facebook page, which included AK-type rifles, general purpose machine guns, hand grenades, rocket-propelled grenades, ammunition for small arms and detonators. The Panel was not given access to this materiel but will enquire further.

Figure XI
Materiel seized in Mnilah

Source: Facebook page of Tunisian Ministry of Interior, 21 February 2013.

Algeria

111. Following its visit to Algeria in 2012 and the comprehensive briefings it received from the authorities, the Panel has followed the various initiatives of Algeria to develop cooperation with Libya regarding border security and the efforts of the national forces to implement the arms embargo. Several media articles in 2013 and 2014 reported seizures by Algeria of materiel originating from Libya.[12] Security sources in Libya, Tunisia and the Niger have indicated that transfers are still occurring from Libya to Algeria, sometimes through Tunisia, to groups based in Algeria and Mali.

112. The Panel sent several letters to Algeria following its mission to Algiers in 2012. It also met with the Permanent Representative of Algeria to the United Nations in New York in May 2013 to request a visit and to gain access to the seized materiel. The Committee wrote to Algeria in September 2013 in that regard, and again in January 2014, when it suggested the week of 4 March 2014 for the visit. No response has been conveyed to the Committee or the Panel.

Mali

113. In its two previous reports, the Panel documented trafficking from Libya to Mali during the Libyan uprising, particularly towards its end, and during 2012. It also reported the significant flows of fighters and weapons to Mali and their impact on the security crisis there, with seizures made in the Niger and Algeria en route to Mali (S/2012/163, para. 129 and S/2013/99, para. 142). In 2013, the regional security situation was significantly affected by the launch in Mali of military operations against terrorist groups by France and Mali. Arms flows to northern Mali have been destabilized by those operations but have not disappeared.

114. During its mission to Mali in March 2013, facilitated by France, the Panel was granted access to several tons of materiel seized from terrorist groups during the operations in and around the city of Gao and in the Adrar des Ifoghas region. While the Gao area was mainly controlled by the Mouvement national de libération de l'Azawad and then by the Mouvement pour l'unicité et le djihaden Afrique de l'ouest, military operations in the Adrardes Ifoghas region mainly targeted combatants of Al-Qaida in the Islamic Maghreb and Ansar Dine.

115. The inspection showed that the primary sources of materiel for armed groups appear to be national stockpiles, mainly from Mali but also from other countries in the region, including Libya. Libyan materiel was found around Gao and in the Adrardes Ifoghas region, illustrating that various types of armed groups had access to Libyan materiel. In April 2013, the Panel submitted an inspection report to the Committee and built a small arms and machine gun ammunition profile (see confidential annex II).

116. A wide range of Libyan materiel was documented, from small arms to heavy weapon ammunition, including materiel transported by people fleeing Libya in 2011, as previously documented by the Panel. Some materiel may have also arrived from Libya in support of the Tuareg rebellions of the 1990s, making it difficult to establish

[12] See, for example, "Algerians seize large Libyan arms stash", *Libya Herald*, 27 October 2013. Available from www.libyaherald.com/2013/10/27/algerians-seizes-large-libyan-arms-stash/#axzz2psfbhuVc.

the exact period of arrival for various items. The Panel requested the support of various producing countries to trace items it believes to have originated in Libya.

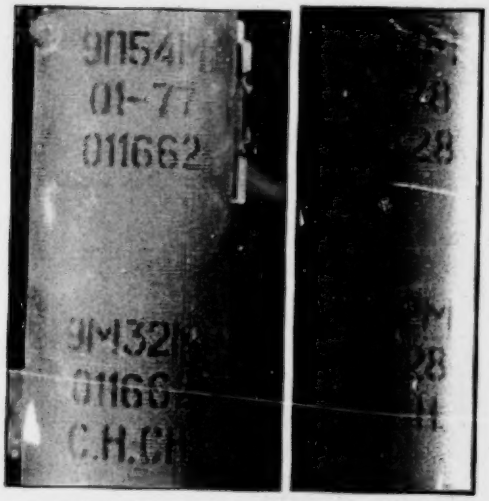
Small arms and light weapons and related ammunition

117. Belgium confirmed that a FAL assault rifle (1252901) and a MAG general purpose machine gun were ordered respectively in 1975 and 1974 and exported to Libya.

118. The Russian Federation confirmed that two AK 103-2 rifles (Nos. 050457971 and 051463378) were delivered to Libya between 2005 and 2008.

119. While 13 Sa-7b man-portable air defence systems with 11 batteries and 1 grip stock were seized in northern Mali, the Panel was provided with details of two Sa-7b systems that France had traced back to Libya. An independent comparison of batch and serial numbers documented in Libya by various sources tends to confirm this.

Figure XII
SA-7b recovered in Mali



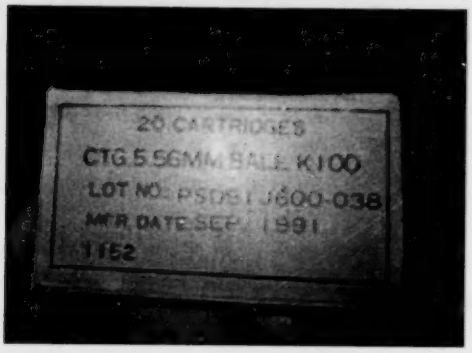
Source: French authorities, 2013.

120. The Republic of Korea confirmed a Korean manufacturer produced the 5.56 x 45 mm ammunition found in Gao; Korea exported it to the United Arab Emirates in 1991.

121. The Panel also documented ammunition produced in the United Arab Emirates. Both types of ammunition were found in a trunk marked with a United Arab Emirates flag. As mentioned in its previous report, since the United Arab Emirates provided a significant quantity of arms and ammunition to the Libyan revolutionaries (S/2013/99, para. 60), the Panel cannot exclude the possibility that this materiel came from Libya. The Panel sent a tracing request to the United Arab Emirates in November 2013 to understand the chain of custody of both types of ammunition. No reply has been received.

Figure XIII
5.56 x 45 mm ammunition produced by Caracal, United Arab Emirates

Figure XIV
Korean 5.56 x 45 mm ammunition



Source: Libya Panel of Experts, Gao, March 2013.

122. Belgium was unable to trace 60 mm illuminating mortars produced by the company Poudreriesréunies de Belgique, but explained that their archives refer to several export licences issued to Libya in the 1970s and 1980s for ammunition by the company. The Panel documented items with the same lot number in Libya (see figure XV).

Figure XV
60 mm illuminating mortar rounds. Lot BMP-2-11 (left: northern Mali, 2013; right: Libya, 2013)

Source: Panel of Experts, 2013.

123. The Panel documented 60 mm mortar rounds produced in Yugoslavia in 1974 that were also documented in Libya.

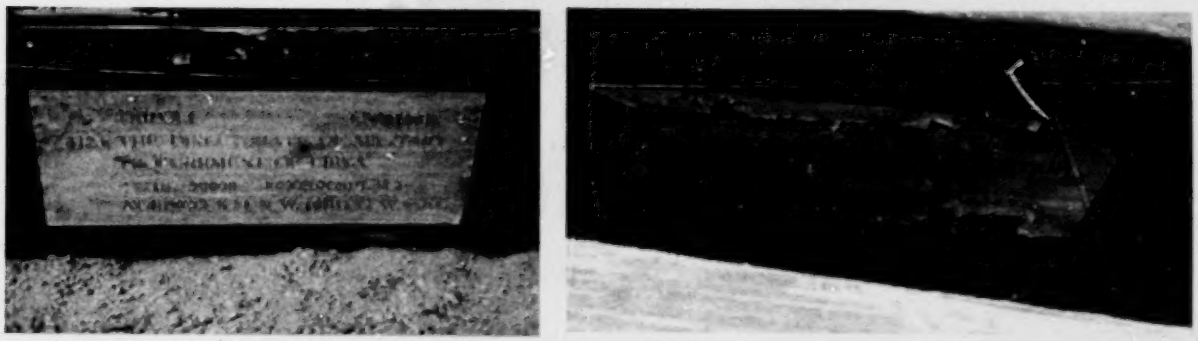
Figure XVI
Box of 12 60 mm mortar rounds, Gao, March 2013

Source: Panel of Experts, Mali, 2013.

Heavy weapon ammunition

124. The Panel sent tracing requests to China regarding 107 mm and 130 mm rockets found in Mali that were likely to have been produced in the 1980s. In its previous report, the Panel documented similar rockets in Libya and in an arms shipment exported from Libya aboard the *Letfallah II* (S/2013/99, paras. 171-182). The markings of the crates containing the rockets indicated that they had been originally delivered to Libya. China could not confirm that Chinese manufacturers had produced them, but stated it had exported the same types of rockets to Libya before 2011.

Figure XVII
107 mm rockets (left: northern Mali, 2013; right: from the *Letfallah II*, 2012)



Source: Panel of Experts.

Figure XVIII
130 mm rockets (left: northern Mali, 2013; right: from the *Letfallah II*, 2012)

Source: Panel of Experts.

125. Although difficult to trace with certainty, a number of 122 mm Grad rockets and 106 mm ammunition rounds found in the stockpiles of armed groups may have come from Libya. For instance, Belgium told the Panel that they were not able to trace NR 160 106 mm projectiles owing to internal recording policy, which did not include this type of ammunition at the time.

126. It is significant that some armed groups possess heavy ammunition without launchers (see figure XIX), which may be diverted for use in improvised explosive devices. A lot of such old heavy ammunition can be found in Libyan stockpiles.

Figure XIX
122 mm rockets found in northern Mali

Source: Operation Serval, March 2013.

127. The Panel returned to Mali in December 2013 in an attempt to obtain access to additional seizures reported since March. The Panel did not gain access, but interviewed Malian and foreign sources on the dynamics involving arms and armed

groups. Subsequently, France provided the Panel with information on seized materiel, which the Panel is currently analysing.

128. The Panel's investigations in Mali and the Niger show that transfers from Libya to Mali are still occurring and involve various types of actors. According to Malian, Nigerien and foreign security sources, some armed groups, including members of the Mouvement pour l'unicité et le djihaden Afrique de l'ouest, Murabitun and cells affiliated with Al-Qaida in the Islamic Maghreb, continue to travel between northern Mali and southern Libya to buy materiel and recuperate before conducting operations elsewhere.

129. Illegal commercial trafficking also continues. For instance, a trafficking network in Gao was dismantled in February 2014, in which a Gao resident was importing and selling weapons from Libya via the Niger, including AK-type assault rifles.

130. Research in the Niger shows that Mali itself is now a source of weapons proliferation, including of Libyan materiel.

The Niger

131. The Niger has suffered from the effects of the security crises in neighbouring countries, specifically Libya, Mali and Nigeria, which have resulted in increased arms proliferation. The Niger has also been used as a corridor for armed groups and transfers of arms and funds between areas where terrorist groups operate. It was targeted by terrorist groups mainly active in neighbouring countries, with 2013 marking the first suicide attacks in the country.

132. Drug and other types of trafficking through the Niger also have an impact on arms dynamics in the country. Criminal groups fight over routes, contraband and the protection of convoys, which are generally armed, in northern Niger and present a significant threat to stability. Some such activity reaches Libya. In September 2013, the Nigerien army fought with an armed convoy of Tebu traffickers in 10 vehicles at Emi Lulu, northern Niger, allegedly transporting drugs. The convoy fled and took refuge in Libya. By carrying arms and ammunition across Libya's borders, traffickers violate the arms embargo on a regular basis.

133. The Panel's research shows that Libya is not the only source of illicit weapons in the Niger, as the conflict in Mali also contributes to proliferation (see paras. 113-116, above).

134. The Panel obtained access to Nigerien seizures made in 2013 pursuant to the arrest of Boko Haram members on their way back from northern Mali to southern Niger and northern Nigeria. However, no materiel originating from Libya was identified. Recently, several arrests of individuals in the Niger carrying messages, cash or arms have proved that Boko Haram and other terrorist groups in northern Mali, including Al-Qaida in the Islamic Maghreb and the Mouvement pour l'unicité et le djihad en Afrique de l'ouest, have developed relationships, including training, of some Boko Haram members in northern Mali.

135. According to Nigerien security officials, many civilian-owned weapons originated in Libya. Several small seizures were made during 2013. The Panel inspected a seizure made near Tillabery, the contents and location of which indicated Malian provenance rather than Libyan. Photographs of another seizure made in northern Niger included an AK 103-2 rifle typical of Libyan arsenals. However, the Niger did not record the serial number, so tracing was impossible.

Transfers in northern Niger

136. Southern Libya is identified by the Niger as their major security threat, not only in terms of trafficking but also as a sanctuary for terrorists. It plans to reinforce its border defences. The long and porous border is difficult to control, with the Salvadore Pass, the Djado Plateau and Emi Lulu being key areas for trafficking. According to the Niger, there are two main arms trafficking routes from Libya, one towards Mali and the other towards northern Nigeria, via the east towards Lake Chad (S/2012/163, paras. 129-135, and S/2013/99, para. 144).

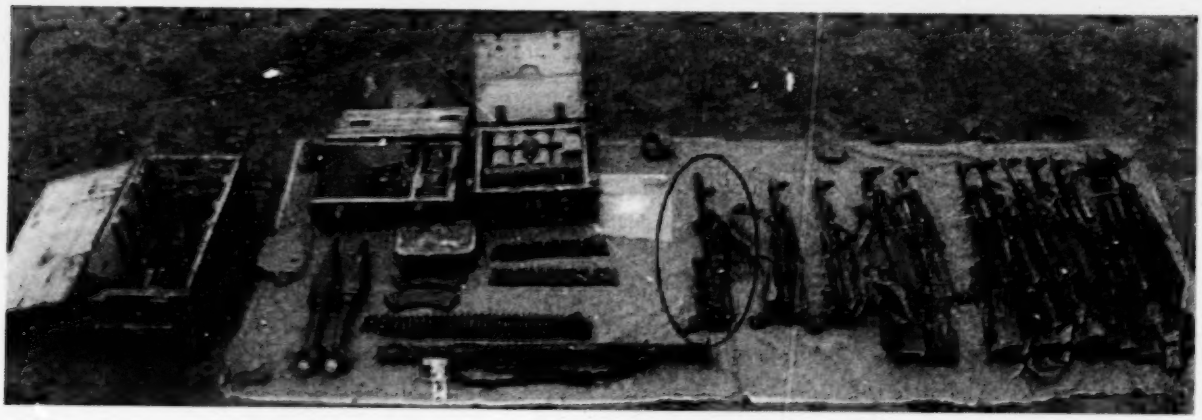
137. According to the Niger, no convoys transporting arms and ammunition out of Libya into the Niger were stopped during 2013 for several reasons, including a lack of government resources, such as proper desert vehicles; a change in the methods of traffickers, who are using smaller convoys that are harder to detect; the presence of international partners conducting surveillance in the north of the country; and the disruption of supply, caused by military operations against armed groups in northern Mali. Recently, the Niger discovered various caches in the north, including petrol, vehicles, supplies and weapons, indicating that traffickers are still active in the area.

Arms caches in the Niger

138. Information retrieved from terrorist groups in Mali resulted in the discovery in September 2013 of four caches to the west of Agadez. Three were found to be empty, one contained AK assault rifles (type 56, AKMS, AKM and AK 103-2), a rocket-propelled grenade launcher with ammunition and grenades (see figure XX).

139. While the Panel could not gain access to the materiel, as some was kept in the north and some destroyed by the Nigerien military, it obtained detailed information, including serial numbers. One of the 12 assault rifles, an AK 103-2, was probably from Libyan stockpiles. The Panel is still awaiting a response to a request to the Russian Federation to trace the weapon. Without physical inspection, it is difficult to confirm the origin of the remaining materiel.

Figure XX
Materiel found in the cache



Source: Nigerien authorities, September 2013.

Potential use of Libyan materiel in terrorist attacks in the Niger

140. The first ever suicide attacks in the Niger took place on 23 May 2013. The Niger publicly claimed the attackers came from southern Libya. The Panel contacted the Niger and was granted access in December 2013.

141. The Panel's investigations concluded that one of the rifles used in the attacks was likely to have come from Libya, but the Panel is still awaiting the tracing results from the Russian Federation and Poland. The materiel in general reflected arsenals used by Malian armed groups, a mixture of Malian stockpiles captured during the Malian crisis and materiel acquired from abroad, including Libya. For a detailed resume of the Panel's investigation, see annex IX.

2. Transfers to the south

Chad

142. The Panel previously reported that Chadian efforts to implement the arms embargo had resulted in several seizures, including approximately 30 SA-7 man-portable air defence systems, which were recovered from Tebu traffickers in 2012 (S/2013/99, paras. 149-152). The Panel was not granted access to the materiel when it visited Chad during the previous mandate and therefore sent a request for a list and a physical examination of the materiel. No response has been received.

143. The Panel received credible information regarding arms seizures coming from Libya, particularly in March and May 2013. Some of the seizures allegedly involved individuals connected to Boko Haram who were intercepted on their way to Nigeria.

144. In June 2013, the Panel requested confirmation of the seizures from Chad and precise information about the materiel, the individuals involved, the type of transportation and the financing of the operation. The Panel also requested a visit to discuss arms trafficking control initiatives and to inspect the materiel. No response has been received.

145. In September 2013, the Committee wrote to Chad to expedite a response to the Panel's request for a visit, but still no response has been received.

Nigeria

146. Information gathered from sources in countries neighbouring Nigeria indicate that some trafficking from Libya is likely, particularly towards north-eastern Nigeria and the area where Boko Haram operates through two main routes in eastern Niger and western Chad.

147. The Panel requested a visit to Nigeria following military operations in northern Nigeria against Boko Haram and media reports regarding seizures from the group.[13] No response has been received. In September 2013, the Committee wrote to Nigeria to expedite a response to the Panel's request for a visit, but still no response has been received.

148. The Panel hopes to have access to Nigeria and the materiel seized, including in the north-east and Lagos.

[13] See "Police arrests suspects notorious illegal arms dealers", *Vanguard*, 14 November 2012. Available from http://allafrica.com/stories/201211140980.html.

Central African Republic

149. The emergence of the Séléka rebellion in the Central African Republic, the coup d'état they perpetrated in March 2013 and the resulting security crisis prevailing throughout the country have fuelled cross-border transfers of arms and movements of combatants from and to neighbouring countries. Regional influences and arms transfers dynamics are intertwined in the long history of crisis in the Central African Republic. The Panel asked France for access to materiel it had seized to detect materiel originating from Libya. The Panel's mission to the Central African Republic took place in January 2014 and was facilitated by France and the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA). The Panel obtained access to the materiel seized by France and the African-led International Support Mission to the Central African Republic (MISCA), as well as materiel confiscated in 2013 currently under the control of the ministry for disarmament, demobilization and reintegration. The information collected will be shared with the Panel of Experts on the Central African Republic.

150. The Panel documented several boxes of 60 mm mortar rounds produced in Yugoslavia in 1974 that clearly originated in Libya (see figure XXI). The Panel documented similar crates in Libya and northern Mali (see para. 123). The Panel also found some F7 projectiles produced in the Democratic People's Republic of Korea (see figure XXII), the markings of which were similar to those it had observed in Libya, which were produced in the 1980s.

Figure XXI
Yugoslav 60 mm mortar bombs

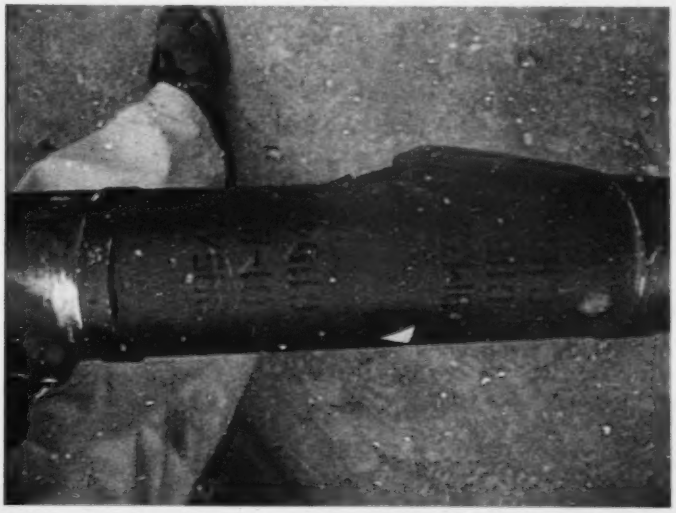
Source: Libya Panel of Experts, Mpoko Camp, store of the African-led International Support Mission to the Central African Republic, January 2014.

Figure XXII
Democratic People's Republic of Korea-produced F7 projectile

Source: Libya Panel of Experts, Mpoko Camp, Sangarisstore, January 2014.

151. The Panel documented one SA-7b man-portable air defence system tube and battery, without grip stock (lot 01-81, serial number 011544). Sources in Libya confirmed that lot 01-81 existed in Libya and that serial numbers relatively close to the item were recorded there. The Panel will send a tracing request to the country of manufacture to confirm where the item was originally transferred to.

Figure XXIII
SA-7b man-portable air defence systems



Source: Libya Panel of Experts, Mpoko Camp, Sangarisstore, January 2014.

152. The chain of custody of the materiel remains unclear, and determining when it left Libya is difficult. Reportedly, the Qadhafi regime had supplied the Central African Republic with military materiel in the 1980s and the 1990s.[14] Foreign fighters who joined the Séléka in 2012 and 2013, entering the country from elsewhere in the region, including Chad and the Sudan, may also have brought Libyan materiel with them.

[14] See Eric Berman with Louisa Lombard, *The Central African Republic and Small Arms, a Regional Tinderbox*, Small Arms Survey 47-48 (Geneva, 2008).

153. The Panel is currently analysing the data collected in-country and will continue to look into potential arms dynamics involving materiel from Libya arriving directly to the Central African Republic or via third countries, in cooperation with the Panel of Experts on the Central African Republic.

Somalia

154. The Monitoring Group on Somalia and Eritrea provided evidence relating to storage facilities in Mogadishu containing a significant quantity of various types of ammunition for light and heavy weapons, produced by a range of countries that originally delivered them to Libya pursuant to contracts signed in the 1970s and 1980s.

155. The Panel documented several types of ammunition crates bearing the same lot numbers in various locations in Libya, including in ammunition storage facilities abandoned after the fall of the Qadhafi regime or under the control of Libyan non-State armed actors.

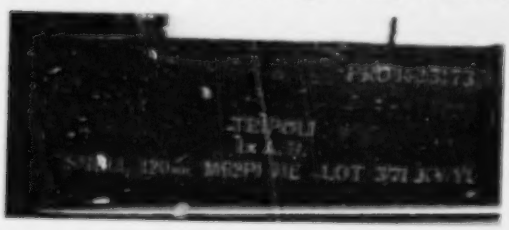
156. The chain of custody of the materiel remains unclear and, at the time of the present report, it has not been possible to determine when the material left Libya and how it was transferred to Somalia.

157. The Panel contacted the African Union Mission in Somalia (AMISOM) several times in 2013 to request access to the materiel and to receive information relating to the chains of transfer of the various items. AMISOM responded favourably to the idea of a visit. However, no confirmation has been received of the precise location of the materiel or whether access would be granted. Given that the visit would be complex to organize logistically, the Panel needs prior confirmation from AMISOM that it will be granted access to the specific batch of materiel.

158. The Panel continues to investigate the case in collaboration with the Monitoring Group on Somalia and Eritrea and hopes to be invited by AMISOM to inspect the materiel, which is essential for understanding the chain of custody.

Figure XXIV

120 mm mortar rounds, Yugoslavia, lot 3/71 KV/YU



Source: Confidential, Mogadishu, 2012.

Source: © Peter Bouckaert, Human Rights Watch 2011, Ajdabiya.

Figure XXV
14.5 mm ammunition, Democratic People's Republic of Korea, contract PRO/42/KS/77

Source: Confidential, Mogadishu, 2012.

Source: Libya Panel of Experts, *Letfallah II*, 2012.

3. Transfers to the east

Egypt and the Gaza Strip

159. While the Panel received briefings in Egypt during the previous mandate about significant proliferation from Libya to Egypt (S/2013/99, paras. 159-165), the Panel was not granted access to Egypt during this mandate. Numerous press reports noted significant seizures of arms and ammunition originating from Libya in various parts of Egypt, including in the western region of Egypt and the Sinai Peninsula. In addition, several transfers of arms and ammunition to the Gaza Strip via Egypt were reported. Weapons were reportedly smuggled by sea and land into the Sinai Peninsula. According to numerous sources and media reports, transit points for the shipments included Sallum, Marsa Matruh, Alexandria, Cairo and Suez.

160. In discussions with Egyptian officials in neighbouring countries, the Panel confirmed the continued challenges Egypt faces on arms smuggling from Libya into Egyptian territory. In August 2013, Egypt's then-interim prime minister, Hazem El-Beblawi, publicly called on Libya to increase its efforts to prevent cross-border arms smuggling.[15]

161. To investigate the reports, the Panel submitted two requests to Egypt, dated 27 August and 6 November 2013, to receive briefings regarding the reported incidents. No reply has been received. In response to the Panel's enquiry into Egypt's reported August 2013 interception and detention of a Comoros-flagged vessel, the *United*, Egypt explained that it had been inspected close to the port of Alexandria and in Port Said. No violations of the arms embargo were found.

162. The Panel received briefings on 24 November 2013 in Israel on previous inquiries involving reported weapons shipments from Libya into the Sinai Peninsula and the Gaza Strip. They confirmed that weapons shipments from Libya into areas bordering Israel to the west continued, but that the shipments had slowed with an

[15] See www.libyaherald.com/2013/08/30/egyptian-pm-calls-on-libya-to-clamp-down-on-border-arms-smuggling/#axzz2sSajsv6Y.

increased effort by Egypt to track and seize weapons. Some of the weapons from Libya that transited into other areas, including the Sinai Peninsula and the Gaza Strip, included man-portable air defence systems and anti-tank guided missiles. Weapons are smuggled by land and sea into the Sinai Peninsula. Representatives of the Government of Israel claimed that SA-7 man-portable air defence systems had been launched against an Israeli military helicopter from the Sinai Peninsula. Previously, the Israeli military publicly claimed that an SA-7 man-portable air defence system had been fired at one of their aircraft over the Gaza Strip.

163. The 25 January 2014 destruction of an Egyptian military helicopter in the Sinai Peninsula by non-State groups using man-portable air defence systems[16] raises additional concerns about possible weapons proliferation. Recent media coverage of voluntary weapons collections organized locally by communities in both the Sinai Peninsula and the western part of the country[17] and their surrender to the authorities offer further insight into the extent of illicit arms ownership and circulation throughout the country, as well as the significance of Libya as a source of the materiel.

Transfers to the Syrian Arab Republic

164. Libya has been a source of arms for the opposition forces in the Syrian Arab Republic, owing to popular sympathies for the Syrian opposition, large available stockpiles of weapons, the lack of law enforcement and a new generation of domestic arms dealers who appeared during the Libyan uprising. Transfers of arms and ammunition from Libya were among the first batches of weapons and ammunition to reach the Syrian opposition. The Panel's previous report concluded that the Syrian Arab Republic had become a preeminent destination for Libyan weapons and combatants (S/2013/99, para. 158).

165. Military materiel continues to flow from Libya to the Syrian Arab Republic with various modes of financing, transport and actors involved. To investigate the flows, the Panel interviewed numerous knowledgeable sources in Libya, including several Libyan and foreign official sources and Libyan combatants returning from the Syrian Arab Republic. The Panel visited Turkey in November 2013, including Istanbul, Ankara, Gaziantep and the border town of Kilis. The Panel met with representatives of the Government of Turkey, foreign government representatives, members of the Syrian opposition and independent policy analysts. The Panel conducted research in Lebanon and met officials, journalists and other sources.

166. The Panel requested access to the Syrian Arab Republic to discuss arms proliferation from Libya with the authorities and to receive access to materiel that had reportedly been seized from the opposition. The Syrian Arab Republic provided information on weapons and individuals involved in transfers, but has not responded to the visit request. The Panel gathered and analysed information about flight patterns and shipping routes and contacted various Member States.

167. Turkish authorities, Syrian opposition figures and international sources all cited concerns about transfers of weapons to radical armed groups and noted that the

[16] See www.nytimes.com/2014/01/27/world/middleeast/militants-down-egyptian-helicopter-killing-5-soldiers.html?_r=0.

[17] See http://english.ahram.org.eg/NewsContent/1/0/89279/Egypt/Egypt-army-chief-ElSisi-commends-Matrouh-Bedouins-.aspx.

extremist groups have become better equipped than other groups and were controlling more territory, especially key border areas. Many sources noted that the extremist elements of the opposition in the Syrian Arab Republic have benefitted from Libyan weapons and a significant number of Libyan combatants were fighting alongside the groups. Arms transfers into the Syrian Arab Republic via Turkey were taking place along the lines of the political divisions that exist between the various Syrian opposition groups and those between supporting countries. The supply of foreign weapons was an important factor in the further division of and competition between Syrian opposition groups. Sources indicated to the Panel that the Syrian Arab Republic is also becoming a source of onward proliferation itself, including to Iraq and Lebanon.

Arms

168. Most Syrian armed opposition groups face a shortage of materiel, particularly ammunition, which has resulted in strong demand in the Syrian Arab Republic, where the price of military materiel is high. This has created a lucrative market for arms dealers within the Syrian Arab Republic and in neighbouring countries. Certain types of weapons systems, including anti-aircraft guns, anti-tank systems and ammunition, are particularly in demand.

169. The December 2012 inspection of arms seized from the *Letfallah II* gave the Panel an insight into the type of materiel transferred from Libya to the Syrian Arab Republic (S/2013/99, para. 180). The cargo mainly comprised ammunition for light and heavy weapons.

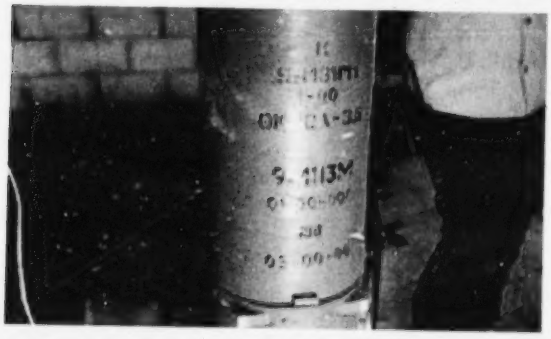
170. Libyan materiel was documented in the Syrian Arab Republic by various sources, including journalists. Based on photographic evidence, the Panel requested several producing countries to trace items.

171. The Panel asked the Russian Federation to trace a Konkurs-M anti-tank guided missile system documented in the Idlib Governorate under the control of the Ahfad Al-Rasul group (lot number 01-00, serial number 450). The Russian Federation confirmed that the item had been exported to Libya in 2000. The Panel documented another Konkurs-M system in a shipment heading to the Syrian Arab Republic in 2012 (S/2013/99, para. 178) with the previous sequential serial number (serial number 449).

Figure XXVI
Konkurs-M documented on the *Letfallah II*, serial number 449

Source: Panel of Experts, 2012.

Figure XXVII
Konkurs-M documented in the Idlib Governorate, serial number 450



Source: C. J. Chivers/New York Times/Redux, May 2013.[18]

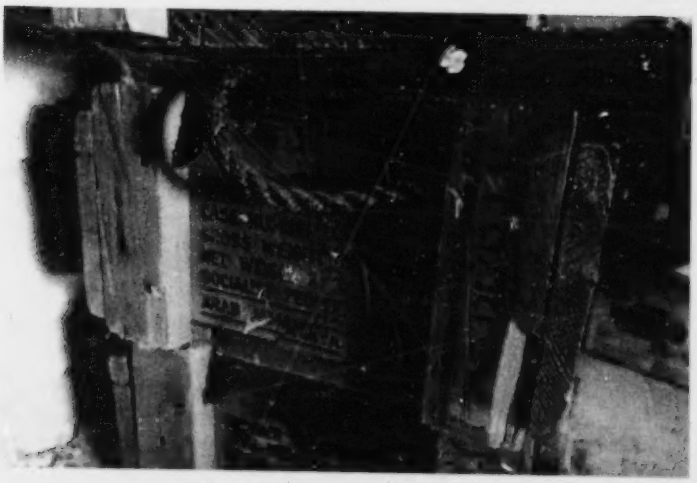
172. The Panel was provided with photographs taken in the Idlib Governorate in May 2013 of boxes of Belgian NR 160 106 mm recoilless projectiles, the markings of which clearly indicate they were originally transferred to the "Socialist People's Libyan Arab Jamahiriya" (see figure XXIX). One picture shows packaging for lot BMP 1-8 loaded 8-81. The Panel documented similar packaging from the exact same lot onboard the *Letfallah II* in 2012 (see figure XXVIII).

[18] http://cjchivers.com/post/53567464032/konkurs-m-missile-tube-one-of-the-newly-arrived.

Figure XXVIII
NR 160 A1 106 mm, lot BMP 1-8 loaded 8-81

Source: Panel of Experts, *Letfallah II*, 2012.

Figure XXIX
Boxes of 106 mm recoilless projectiles from Libya



Source: C. J. Chivers/New York Times/Redux, May 2013.

173. The Konkurs-M and 106 mm projectiles were photographed at the same location in the Syrian Arab Republic. Both weapons types were also found on the *Letfallah II*, bearing the same lot numbers. It is therefore possible that they all originated in Misrata.

174. The Panel is currently investigating additional materiel documented in the Syrian Arab Republic.

175. Armed groups in the Syrian Arab Republic are continuously seeking weapons, an indication that transfers are likely to continue in the future. With the growth of terrorist groups in the Syrian Arab Republic, some supporters of the Syrian opposition are more reluctant to transfer materiel to the Syrian Arab Republic, which has presented an opening for Libyan smuggling networks.

Actors

176. Transfers of arms and ammunition have included the involvement of Libyan nationals and Syrian nationals living in Libya who are collecting funds, frequently through the use of charitable organizations, buying the arms and ammunition from local arms dealers and brigades and organizing shipments themselves. An official Libyan security source told the Panel he had been contacted by Syrian nationals in October 2013 who were looking to buy assault rifles and ammunition to send onwards to the Syrian Arab Republic. Multiple interviews with foreign security sources in Libya and one person with close ties to the Syrian opposition also confirmed the trend. Some of the transfer activities are also backed with funding from rich patrons from Gulf States.[19]

177. Some Syrian nationals living in third countries have also been involved in funding and organizing shipments from Libya. The Panel contacted Sweden following reports that a Syrian national based there had been involved in arms transfers from Libya.[20] Sweden responded in December 2013 that a police investigation was being conducted but that they were unable to share any information at that stage.

178. The Panel was provided with several names of Libyan, Syrian, Australian and Turkish nationals allegedly involved in transfers from Libya to the Syrian Arab Republic. The Panel has not yet been able to gather sufficient evidence to confirm the allegations.

179. Several Member States have allegedly supported transfers from Libya in a number of ways, including through the provision of funding, transportation or access to their territories. The Panel is investigating the allegations.

180. The size of some shipments indicates that some Libyan officials may have knowledge of the shipments but acquiesce to them, or may be directly involved.

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[19] See Elizabeth Dickinson, "Playing with fire: why private Gulf financing for Syria's extremist rebels risks igniting sectarian conflict at home", The Saban Center for Middle East Policy at Brookings, Analysis Paper Number 16, December 2013. Available from www.brookings.edu/research/papers/2013/12/06-private-gulf-financing-syria-extremist-rebels-sectarian-conflict-dickinson.

[20] See, for example, "Swedish imam smuggles weapons to Syria: report", *The Local*, 31 October 2013. Available from www.thelocal.se/20131031/swedish-imam-smuggling-weapons-into-syria-report.

Foreign and Libyan security officials in Libya explained that there was a general laissez-faire attitude and a lack of capacity to stop trafficking from Libya.

181. In interviews conducted in Ankara and Gaziantep in November 2013, separate sources with very close ties to the Syrian armed opposition explained that representatives of the Supreme Military Council travelled to Libya after the creation of the Council and met members of the Government in Tripoli and possibly elsewhere. Subsequently, several shipments of materiel were provided free of charge and sent to Ankara. It is unclear exactly whom the delegation met in Libya. Some individuals in official positions may also pursue their own agenda.

Routes

182. The transfers under investigation allegedly involve a range of non-State and State actors and occurred by three main routes: Turkey by air and sea, Qatar by air and Lebanon by sea.

Alleged transfers via Turkey

183. Since the beginning of the Syrian revolution, Turkey has allegedly been a main transfer corridor for materiel and combatants joining the Syrian opposition.

184. According to reliable sources, weapons from Libya arrive by air and sea. Aircraft mainly fly to Gaziantep, Ankara and Antakya and sea shipments go through Mersin and Iskenderun. The materiel then travels by truck through the border crossings at Reyhanli and Kilis.

185. The Panel met with members of the Syrian opposition, foreign representatives based in eastern Turkey and Libyan combatants returning to Libya from the Syrian Arab Republic, who alleged that some Turkish authorities were involved in weapons transfers through the management and oversight of weapons deliveries to some elements of the Syrian opposition.

186. On 23 November 2013, the Panel met with the Turkish authorities, who denied knowledge of weapons transfers from Libya to Turkey. They stated that, while illicit smuggling may occur, the Government could not control everything and that the Turkish-Syrian border is long and porous. They declared that cargo in transit may pass through without inspection because Turkish policy is to check only the manifest, and that any inspections are intelligence led. The Panel's requests for briefings and site visits with authorities in the various places through which weapons from Libya had allegedly passed received no response from Turkey.

187. In February 2014, the Panel shared its findings with the Turkish authorities, who denied any involvement in "illegal weapons deliveries".

188. The Panel wrote to Turkey requesting further information following media reports of arms seizures on the Syrian border[21] and a further report stating that, on 2 January 2014, Turkish security forces had seized a truck in the region of Hatay

[21] See, for example, "Rocket heads seized in Turkey's Adana were bound for Syria, says governor", *Hurriyet Daily News*, 8 November 2013. Available from www.hurriyetdailynews.com/rocket-heads-seized-in-turkeys-adana-were-bound-for-syria-says-governor.aspx?pageID=238&nid=57609.

that was transporting arms and ammunition to the Syrian Arab Republic.[22] Owing to a technical error, the letter did not reach the Permanent Mission of Turkey to the United Nations in New York before the present report.

189. The same humanitarian organization that was allegedly involved in the second case mentioned above was also the consignee of the shipment made by the *Al-Entisar* in September 2012 (S/2013/99, paras. 183-188). The case is still under investigation.

190. Some media reports claimed that United States officials working in Benghazi prior to the attack on the Benghazi consulate in September 2012 might have been involved in transfers of weapons out of Libya via Turkey to the Syrian opposition.[23] The Panel contacted the United States regarding the claims, which it denied. To date, the Panel has found no evidence to support the allegations.

Alleged transfers via Qatar

191. The Panel is investigating the alleged involvement of Qatar in transfers of materiel from Libya to the Syrian Arab Republic since 2012, including by air. Multiple sources, including Libyan fighters in the Syrian Arab Republic, Libyan and foreign officials based in Libya, foreign security sources and representatives of the Syrian opposition based in Turkey, allege that Qatari air force flights have been transferring military materiel from Libya to Qatar and then from Qatar to Turkey for the Syrian opposition. Qatar was a strong supporter of the Libyan revolution, to which it provided significant quantities of military materiel (S/2013/99, paras. 62-73). The authorities may have used this relationship to acquire materiel to be transferred to the Syrian opposition.

192. The Panel has obtained flight plans regarding Qatari C17 and C130 aircraft flying between Libya and Qatar since early 2013. Some of the flights had been granted military diplomatic security clearance and the Panel tried to determine the content of the cargo. In that regard, the Panel contacted the company in charge of designing the flight plans of the C17 aircraft and the various Member States who granted military diplomatic security clearance or in which the aircraft landed on their way back to Qatar. A detailed summary of the investigations can be found in annex VIII.

193. The Panel was not able to independently verify the cargo transported on board the investigated flights and will continue to investigate the lead.

194. The Panel was provided with flight control data containing only certain flight routes, rather than comprehensive data regarding air trafficking between Qatar and Libya. The Panel contacted Qatar to obtain a detailed list of flights made by the Qatari air force to Libya since July 2012 and specific details of the cargo for each flight. In a letter dated 11 February 2014, Qatar asked for further details but did not provide the requested information.

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[22] See "Turkey seizes arms in truck bound for Syria", *AFP*, 2 January 2014. Available from http://english.alarabiya.net/en/News/middle-east/2014/01/02/Turkey-seizes-arms-in-truck-bound-for-Syria-.html.

[23] See, for example, "Dozens of CIA operatives on the ground during Benghazi attack", CNN.com, 1 August 2013. Available from http://thelead.blogs.cnn.com/2013/08/01/exclusive-dozens-of-cia-operatives-on-the-ground-during-benghazi-attack/?hpt=hp_t4.

Transfers via Lebanon

195. At the beginning of the Syrian uprising, weapons were smuggled from Libya through Lebanon and onward to the Syrian Arab Republic, with entry points changing according to the evolution of territorial control in the Syrian Arab Republic. With the internationalization of the crisis and the spillover of the conflict into Lebanon, arms smuggling now operates both ways across Lebanon's northern and north-eastern border. The difficult terrain, including a long Lebanese-Syrian border with unpaved roads, as well as corruption, make it difficult for the Lebanese authorities to contain arms smuggling. The Lebanese army and security forces are exerting their best effort to contain the shipment of arms, and as a result have seized large quantities of weapons, ammunition and explosives along the borders and inside Lebanese territory.

196. Sources in Lebanon confirmed the frequent arrivals of arms cargos from Libya into Lebanon, as well as an increased number of seizures of materiel entering Lebanon from the Syrian Arab Republic, including small arms and light weapons as well as ammunition and explosives. All seized materiel is transferred to the military police for investigation and then to the a military tribunal. The Panel sent a request to Lebanon for further information about the seizures and asked for access to the materiel. The response is still pending.

Update on the case of the Letfallah II

197. Since the submission of its previous report, the Panel has continued its investigation of the *Letfallah II* case (S/2013/99, paras. 171-182). Lebanon provided a copy of the investigation report, which indicates that the operation had been initiated and financed by Syrian citizens. The Panel also traced some of the arms found on board the ship, some of which were confirmed to have been exported to Libya before the uprising. A detailed update on this investigation is contained in annex X.

Other ships potentially involved in transferring weapons from Libya to Lebanon

198. In early 2013, the Panel was provided with information regarding the potential involvement of a ship transferring arms from Libya to Lebanon for the Syrian opposition. Maritime data showed that the ship had been moving between Libya and Tripoli, Lebanon, confirming the pattern described by the source. Lebanon responded that it had made no seizures from the ship and provided a copy of the bill of lading, according to which the cargo was cereal.

199. The Panel recently received intelligence regarding another ship allegedly involved in transfers between Libya and Lebanon and is investigating the case.

III. Travel ban

200. By paragraph 15 of resolution 1970 (2011) and paragraph 22 of resolution 1973 (2011), the Council imposed a travel ban on individuals designated by the Council or the Committee, with exceptions pursuant to paragraph 16 of the same resolution. A number of Qadhafi family members and inner circle allies are subject to the travel ban. The updated list published by the Committee on 4 September 2013

contains the names of 20 individuals (5 subject solely to the travel ban and 15 to the travel ban plus the asset freeze).

201. According to the list of the Committee, of the 20 individuals originally named in the travel ban, 5 are deceased, 2 are in Libya (1 of whom is in custody), 6 are in other countries and the whereabouts of the remaining 7 individuals remain unknown. The Panel believes that several updates to the list are necessary in order to reflect the changed status and new information. Of the 20 individuals, 5 are deceased, 4 are in Libya (3 of whom are in custody), 7 are in other countries and the whereabouts of the remaining 4 individuals remain unknown (see paras. 286 and 287). The Panel continues to investigate the status of other listed individuals.

202. In March and April 2013 several media reports indicated that three children of Muammar Qadhafi — Aisha, Mohammed and Hannibal Qadhafi — along with Safia Farkash Al-Barassi, all four of whom are subject to the travel ban, had left Algeria and travelled to Oman in October 2012. On 12 April 2013, the Panel sent a letter to Oman requesting information about the status of the individuals.

203. In a letter dated 14 May 2013 responding to the Panel's inquiry, the Government of Oman indicated that Aisha and Mohammed Qadhafi were present in Oman. The response contained no information about Hannibal Qadhafi or Safia Farkash Al-Barassi in the response, nor was there any indication of the date of travel. While paragraph 16 of resolution 1970 (2011) contains exemptions to the travel ban, any exemption applicable in this case requires either advance approval by the Committee or subsequent notification within 48 hours of relocation. Although Oman, in its letter to the Panel, posited humanitarian grounds for the entry of the individuals, they failed to secure approval before entry. No subsequent notification to the Committee has been received to date. Aisha and Mohammed Qadhafi themselves did not request exemptions to the travel ban. Therefore, the relocation of Aisha and Mohammed Qadhafi from Algeria to Oman constitute violations of the travel ban.

204. On 12 April 2013, the Panel wrote to Algeria regarding the relocation. On 17 and 28 May, the Panel sent further letters to Algeria inquiring about the status of Hannibal Qadhafi and Safia Farkash Al-Barassi. On 5 June, Algeria wrote to the Committee concerning the first inquiry, confirming that Aisha and Mohammed Qadhafi had travelled to Oman. The provided list of Qadhafi family members who had left for Oman did not include Hannibal Qadhafi and Safia Farkash Al-Barassi. No response has been received to the Panel's enquiries, despite repeated follow-up letters. On 11 February 2014, Oman informed the Panel that Hannibal Qadhafi and Safia Farkash Al-Barassi were currently not in Oman, and that Oman had no information about their location.

205. During the previous mandate, media outlets reported an alleged plot to smuggle Saadi Qadhafi, who is subject to both the asset freeze and travel ban sanctions, and his family to Mexico in 2011. The plot allegedly involved a group of people of multiple nationalities who worked for a multinational company headquartered in Canada, and a Canadian citizen recently released from 18 months of custody in Mexico on charges of conspiracy to smuggle Saadi Qadhafi and his family to Mexico using fake passports and Mexican documents.

206. In May 2013, the Panel sent letters to Mexico, Switzerland, and Canada asking for more information about the alleged plot. Canada responded on 17 June that it could not supply any additional information at that time due to pending judicial investigations into three individuals on the matter. Mexico responded on 26 June, 3 July and 13 August that criminal investigations had been undertaken against more than five individuals and that four of them had been arrested. Switzerland responded on 11 September that criminal investigations into one individual were ongoing.

207. The Panel continues to investigate the pending cases.

IV. Implementation of the asset freeze

F. Context of the asset freeze measure

208. During the first six months of 2013, Libya's money supply increased, with a shift from currency to deposits. However, the increase in private sector deposits due to the removal in June 2012 of restrictions on withdrawals introduced during the revolution has ended.[1]

209. Libya has shown limited growth in private sector employment. On 6 January, Congress passed a law banning interest on financial transactions (Islamic banking), though this has not facilitated the promotion of private sector growth. The law was published in the official gazette on 21 March 2013, and banks are no longer allowed to pay interest to or receive interest from individuals. Companies and State entities will be prohibited from receiving and paying interest from the beginning of 2015.

210. Uncertainty is discouraging new investors and prompting those who are present to scale down their activities. Lack of essential maintenance and investment in oil infrastructure will further reduce output and export capacity for the medium term.

211. The Libyan authorities face the challenges of stabilizing the economy and addressing such issues as building capacity, improving education, rebuilding infrastructure, developing the financial system and reducing hydrocarbon dependency. Libya also needs to set up a governance framework linked to transparency and accountability, including anti-corruption elements, to restore trust in the Government. Such a measure would promote growth in the private sector, provide opportunities to diversify the economy and create employment opportunities.

G. Monitoring the asset freeze

212. In accordance with its mandate, the Panel carried out investigations to identify legislation or other measures that would enable Member States to detect and eventually freeze without delay assets owned or controlled by designated individuals and entities.

213. In order to achieve that aim, Member States should issue guidance to financial institutions and other entities that might hold relevant funds, to explain their obligation to comply with sanctions. The effective dissemination of such guidance

and a regular update of the list of designated persons and entities are essential to meet United Nations requirements.

214. Member States should also take into account that, in order to circumvent measures to freeze assets, designated persons and entities are likely to operate through front companies and/or individuals acting on their behalf to conceal their interests. Gathering information on beneficial ownership is therefore of the utmost importance, along with details of the originators of relevant transactions.

4. Implementation of the asset freeze

215. The Panel has acted upon a number of sources of information to commence investigations into potential violations of the asset freeze measures. The majority of the leads have led the Panel to carry out investigations in Africa, where significant amounts of assets were deposited by the former Libyan regime. During the investigations, the Panel noted that there was a significant shortcoming on the part of certain Member States with respect to implementation of the asset freeze.

216. That shortcoming includes the inability of some Member States to freeze the assets of persons or entities designated under such the asset freeze measures owing of a lack of domestic legislation enabling them to do so. The matter has come to light as a result of investigations into alleged violations of the measures by persons assisting designated individuals, details of which are provided below.

217. In one such case, following enquiries by the Panel, a company that was allegedly involved in moving a designated individual's assets had its funds restrained. When the Panel visited the Member State some months later, its enquiry revealed that, shortly after the restraint, the owner of the assets had successfully petitioned the domestic courts to release of the assets, on the grounds that there was no legislation in that Member State to enforce asset freeze measures on the grounds of United Nations resolutions. The assets were returned and immediately withdrawn from the relevant accounts in cash, destroying the audit trail.

218. Consequently, the Panel began enquiring in other Member States in the region where investigations were under way as to the legal capacity for implementing asset freeze measures created by Security Council resolutions pertaining to Libya. It was found that, in each Member State examined in the region, the same problem arose. Some States asserted that they had such capacity, but upon further examination the Panel discovered that the legislation was predicated on criminal offences, predominantly terrorism.

219. To expand upon this, most Member States visited are able to freeze criminal proceeds or terrorist funds, subject to reasonable suspicion or actual evidence of an offence having been committed, and also subject to the decision of a court or legal officer. In no case examined in the region did the Panel find a capability to freeze funds purely on the basis of designation in a Security Council resolution.

220. So far, the Member States concerned have all been in one particular region and the Panel continues to make enquiries in that region to try to ascertain the extent of the problem. It also intends to extend such enquiries to other regions.

221. This situation has serious implications on the implementation of the asset freeze measures under the Libyan sanctions regime, as well as on extant asset freeze measures and any similar measures that may be imposed by the Security Council in

the future. The lack of capability of some Member States to fulfil their obligations under Chapter VII of the Charter of the United Nations nullifies the effectiveness of such measures. Parties who believe that their assets may be subject to such a freeze are likely to ensure that they are deposited in Member States where this situation exists.

Enquiries regarding lack of implementation capability

African central banks

222. The Panel has continued to seek information regarding the implementation of the asset freeze by countries supervised by the two central banks serving several African countries, namely, the Banque centrale des états de l'Afrique de l'ouest and the Banque des états de l'Afrique centrale. No reply has yet been received from either of the central banks.

223. Consequently, the Panel has written directly to all of the relevant Member States in order to establish their implementation capability. Furthermore, of the Member States concerned, only Togo and Gabon have submitted implementation reports, as required in paragraph 25 of Security Council resolution 1970 (2011). To date, no replies have been received. In that context, the Panel recommends action by the Committee as laid out in paragraph 289 (b).

United Republic of Tanzania

224. The Panel visited the United Republic of Tanzania in June 2013 and met with representatives of the relevant authorities in charge of monitoring and implementing the application of the asset freeze. The Panel met with a representative of the Tanzanian Financial Intelligence Unit, the central authority responsible for receiving reports on suspicious financial activity from the financial sector and, where appropriate, passing them on to the law enforcement agencies. The Panel expresses its gratitude to the United Republic of Tanzania for the cooperation it has received in this case.

225. The Tanzanian Financial Intelligence Unit explained to the Panel that any suspicious transaction report should be passed to them by the financial sector to be analysed, but that no such report related to Libyan listed individuals or entities had been received from the financial sector.

226. The main purpose of the visit was to collect further information on the financial movements of Saadi Qadhafi and Dalene Sanders, a South African citizen living in the United Republic of Tanzania who is closely linked to him and to his financial affairs (S/2013/99, paras. 245-248). Government representatives explained to the Panel that there were no procedures in place to identify and freeze assets of Libyan entities and/or individuals, owing to a lack of domestic legislation.

227. Notwithstanding its political commitment to work with the international community to establish adequate procedures to identify and freeze assets belonging to individuals and/or entities listed by the Security Council, the Government of the United Republic of Tanzania has not yet implemented them.

Uganda

228. The Panel visited Uganda in June 2013 and met with representatives of the relevant authorities in charge of monitoring and implementing the asset freeze. The main purpose was to collect more information on Saadi Qadhafi's financial affairs as well as on Ms. Sanders. The Panel expresses its gratitude to Uganda for the cooperation it has received in the matter.

229. Upon request, Uganda explained to the Panel that, owing to a lack of domestic legislation, there was no procedure in place to identify and freeze assets belonging to Libyan entities and/or individuals. Although the Ugandan judicial authority had issued a restraining order to block the bank account of Ms. Sanders's company, the order would only be in force until the criminal investigation was concluded. Most importantly, the procedure was not linked to any of the lists of individuals or entities under any regime targeted by the Security Council sanctions committees, including the Libyan regime.

Mauritius

230. The Panel visited Mauritius in October 2013 and met with representatives of the relevant authorities in charge of monitoring and implementing the asset freeze. The visit was also made in connection with the Panel's investigation into the financial affairs of Saadi Qadhafi. In particular, enquires were made regarding a Mauritian company owned by Ms. Sanders.

231. The Mauritian authorities explained to the Panel that no relevant assets had been identified. Nevertheless, owing to a lack of domestic legislation, Mauritius was not yet able to freeze assets belonging to designated individuals and entities. However, the Mauritian authorities expressed their willingness to comply with Security Council resolutions concerning not only Libya but also all asset freeze measures imposed by the Council. At the time of the visit, a statute was being drafted to remedy this but had not yet been ratified or come into force. On 12 February 2014, the Panel was informed that the drafting process was expected to be completed shortly.

Tunisia

232. The Panel visited Tunisia in November 2013 and met with representatives of the relevant authorities in charge of monitoring and implementing the asset freeze. The purpose of the visit was to collect information regarding various companies that may have been acting on behalf of Aisha Qadhafi and Mutassim Qadhafi, both designated under the asset freeze measures. The Panel received excellent and very useful cooperation and assistance from the Tunisian authorities.

233. During the visit, the Prosecutor of the Republic explained that, in accordance with domestic legislation,[24] he and the Minister of Finance may, after consultation with the Governor of the Central Bank, decide to restrain the assets of individuals or organizations whose ties with terrorism crimes are established by the competent United Nations authorities.

[24] Law No. 2009-65, dated 12 August 2009, amending and supplementing law No. 2003-75, dated 10 December 2003, relating to the support of international efforts to combat terrorism and eliminate money-laundering.

234. There is no other legislation concerning the asset freeze measures. Consequently, as listed Libyan individuals and entities are not necessarily linked to the above-mentioned terrorism provisions, Tunisia is unable to freeze assets belonging to them or to those acting on their behalf or assisting them.

5. Exemptions to the asset freeze

235. The exemptions mechanism outlined by resolutions concerning Libya is still in place. Member States may submit requests or notifications to the Committee in the event that they wish to use any of the exemptions listed therein. The table below contains a summary of exemptions on the subject of the asset freeze, approved by or processed through the Committee up to 15 February 2014.

Exemption notifications[a]

Notification	*Notification status*	*Number of notifications*
Notifications under paragraph 19 (a) of resolution 1970 (2011)	Received	50
	No negative decision taken	48
	Committee to revert	2
Requests for exemption under paragraph 19 (b) of resolution 1970 (2011)	Received	51
	Approved	49
	Not approved	1
	On hold	1
Notifications under paragraph 19 (c) of resolution 1970 (2011)	Received	2
	Acknowledged	2
Notifications under paragraph 21 of resolution 1970 (2011)	Received	45
	Acknowledged	45
Notifications under paragraph 16 of resolution 2009 (2011)	Received	17
	No negative decision taken	17

[a] Unofficial figures.

6. Requests for guidance

Libyan Arab Foreign Investment Company

236. In May 2013, the Committee received a note verbale from a Member State requesting guidance in respect of the scope and application of the asset freeze measure as it applies to the Libyan Arab Foreign Investment Company, also known as the Libyan Investment Authority (as it appears in the list of the Committee).

237. The Panel provided such guidance for the benefit of the Committee and, consequently, a letter was sent from the Chair of the Committee to the country concerned.

238. Subsequent to the provision of this guidance, the Panel discovered that the Libyan Arab Foreign Investment Company had changed its title to the Libyan

Foreign Investment Company (www.lafico.ly).[25] The change should be reflected in the list of designated entities (see para. 289 (a)).

Unfreezing of the assets of designated individuals in response to repatriation claims

239. In August 2013, the Committee received a note verbale from a Member State requesting guidance concerning a formal request from the head of Libya's Asset Recovery Committee relating to assets frozen in that State belonging to a locally registered company, beneficially owned by Mutassim Qadhafi, the deceased son of Muammar Qadhafi and an individual designated under the asset freeze measures. The sums in the relevant accounts as at December 2012 amounted to approximately $120 million. The Committee requested that the assets be returned to Libya.

240. The enquiry has raised a number of issues concerning the ultimate disposal of frozen assets and the proper authorities within the Government of Libya with whom Member States should deal. Originally, through Council of Ministers Decision No. 34 of 2012, the Asset Recovery Committee was established under the leadership of the Head of the Foreign Litigation Department in the Ministry of Justice, Bashir Al-Akkari. The Panel has had fruitful relations with the Committee since its inception, receiving valuable information concerning the assets of designated individuals through its agents, and in turn being able to advise the Committee of the correct procedures and limitations of the asset freeze and the mandate of the Panel.

241. Over the past year, however, confusion arose on the part of Member States with regard to whom matters should be addressed, following the removal of Mr. Al-Akkari and the tentative formation of a separate body, the Libyan Asset Recovery Bureau. Following a number of domestic political issues, the Bureau was discontinued and the former Asset Recovery Committee was re-established under the supervision of Fathallah A. Ben Khayal, the new head of the Foreign Litigation Department in the Ministry of Justice, and under the ultimate responsibility and direction of the Attorney General, Abdel Qader Gomaa Radwan. The Panel has recently established contact and an understanding of cooperation with both individuals and with the Committee.

242. The Government of Libya, referring to paragraph 18 of resolution 1970 (2011), has been making claims for some time that the assets in question are the property of the Libyan people and should be returned to Libya. Formal application has been made by way of letters, and the Panel has been informed by Libya and the Member State where the assets are located and frozen that meetings between their relevant officials have been held during the past year.

Scope of the asset freeze measures

243. The claims, while reasonable in the circumstances, raise important issues concerning the way assets frozen as a result of ownership by designated persons are treated. The rationale for the freezing of assets of persons and entities falling within the designation criteria of the initial resolutions was to prevent the assets from being used to assist the former regime to commit serious human rights abuses against the Libyan people. It was not, and such measures previously have never been, intended as a means of confiscating the property of individuals in a punitive action.

[25] See also "LFIC directors banned by Integrity Commission", *Libya Herald*, 12 February 2013. Available from www.libyaherald.com/2013/02/12/lfic-directors-banned-by-integrity-commission/#axzz2tN14u7eL.

244. With respect to what happens to the assets in the long term, it is important that they are dealt with properly and in accordance with legal principles. Paragraph 18 of resolution 1970 (2011) states that assets frozen pursuant to paragraph 17 shall at a later stage be made available to and for the benefit of the people of Libya. In the absence of any qualifying explanation of the paragraph, either in the resolution or from the Committee, the Panel is of the opinion that this predominantly refers to the assets of Government-owned entities, such as the Central Bank (now delisted) and the Libyan Investment Authority. The Panel does not consider that it was meant as a means of taking the lawfully owned assets of designated individuals and transferring them to the Government of Libya.

245. In that regard, it should be restated that, when assets are frozen, their ownership does not change. Such assets should be held in the name of the original owner, and frozen cash should be held in an interest-bearing account. The designated party continues to own the frozen assets, even though it is forbidden to use them, unless an exemption is granted by the Committee, pursuant to the relevant resolutions. Requests for exemption to the asset freeze can only be made for the payment of expenses of the designated party (see also S/2013/99, annex XV).

246. The Panel therefore believes that the frozen assets of designated individuals should remain their personal property and that any transfer to the Government of Libya as a result of an exemption to the asset freeze would be tantamount to an illegal transfer of property.

247. The Panel is aware that large assets have been unlawfully obtained by certain designated individuals and is working hard within its mandate to identify where such assets have been hidden so that they can be properly frozen in accordance with the resolutions. The Panel believes that lawfully owned personal assets do not belong to the Government of Libya unless they can be proved to have been stolen from the Libyan State. The only legal way that this can be achieved is through legal process in a competent court of law (see below). The Panel is very keen to ensure that all assets improperly obtained from Libya by designated individuals are frozen and made available to and for the benefit of the Libyan people, but only by proper legal methods.

Conclusions

248. The Panel has communicated its opinion to the Government of Libya and the Government of the Member State concerned, the latter of which agrees with the Panel and has indicated that it wishes to deal with the assets legally and under the guidance of the Committee. The Panel believes that there are two ways in which this can be achieved:

(a) A case could be brought in the courts of Libya to establish whether or not the transfer of the assets to the individual concerned was legal. If it was found to be illegal, then a confiscation order could be issued and an international letter of request for mutual legal assistance could be transmitted through the proper channels, requesting the enforcement of the order. However, given the current confusion and delays within the Libyan court system, this may not be a viable option;

(b) A more realistic option would be for the Libyan authorities to bring an action in the courts of the Member State concerned, that is, where the assets are frozen, similar to the action referenced below in the courts of the United Kingdom.

Once it has been established that the company and its assets are not lawfully part of the estate of a designated individual, because they were acquired in an illegal manner, they automatically fall outside of the asset freeze measures, and ownership can legally be transferred to the Government of Libya. The Member State concerned indicated during the discussions with the Panel that this would be its preferred solution to the issue.

249. The Panel considers that the latter option may be a useful template for future claims by the Government of Libya for the return of frozen assets allegedly stolen by designated individuals. This approach has already been used in a case brought by the Government of Libya in the High Court of the United Kingdom. The case concerned property in the United Kingdom owned by the company Capitana Seas Ltd., which is beneficially owned by Saadi Qadhafi, another designated individual. After hearing evidence on behalf of the Government of Libya, the court decided that the property had been improperly transferred from the Libyan State to Saadi Qadhafi and was therefore held in trust by him on behalf of the Libyan people, the real owner (see annex XIV). Given that the property had never been legally transferred to Saadi Qadhafi, it was not subject to the asset freeze.

250. The Panel therefore recommends that this method be used, where appropriate, in any future similar case (see para. 288). Figures XXX and XXXI illustrate this suggestion.

Figure XXX
Frozen assets belonging to listed entities

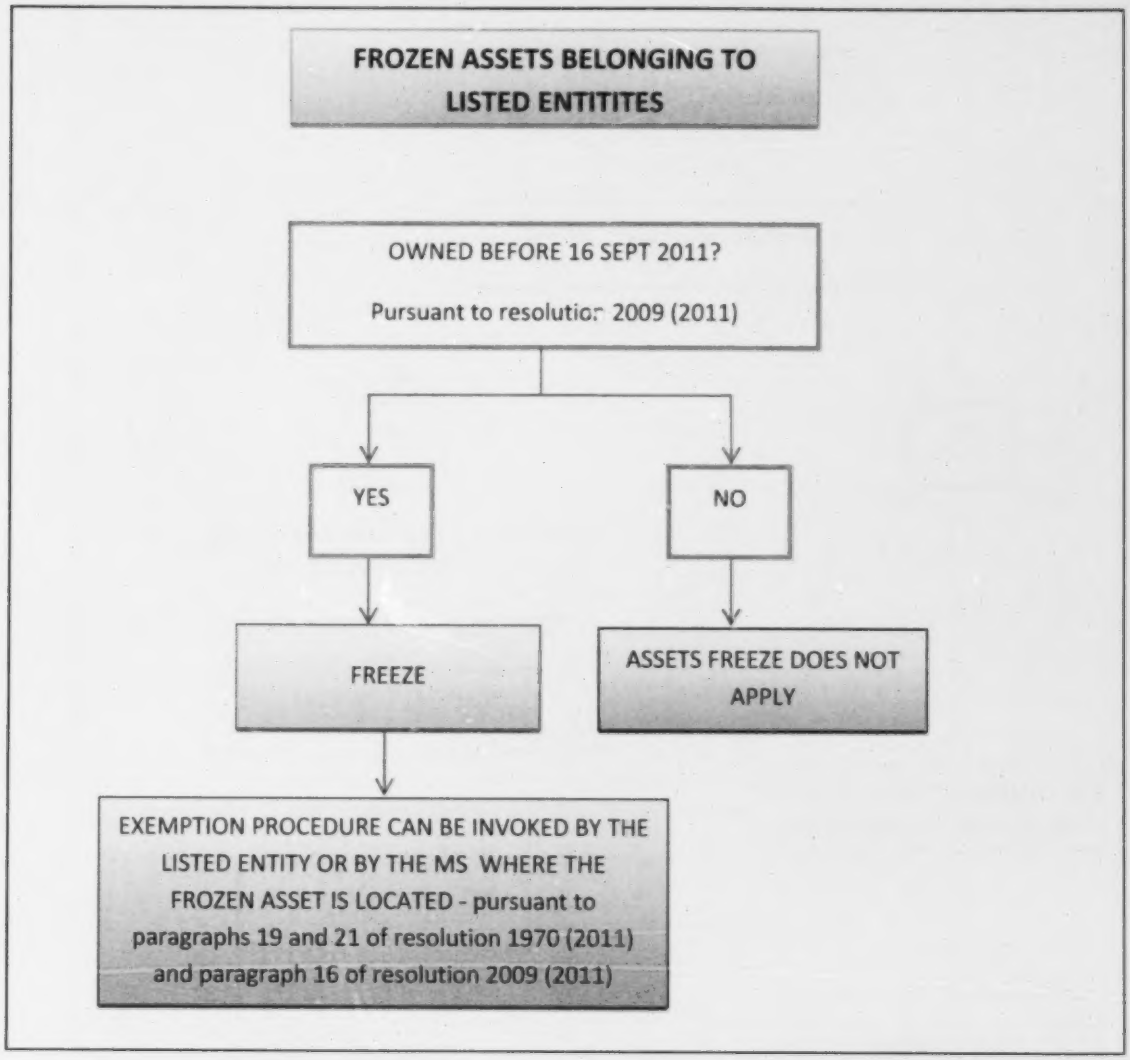
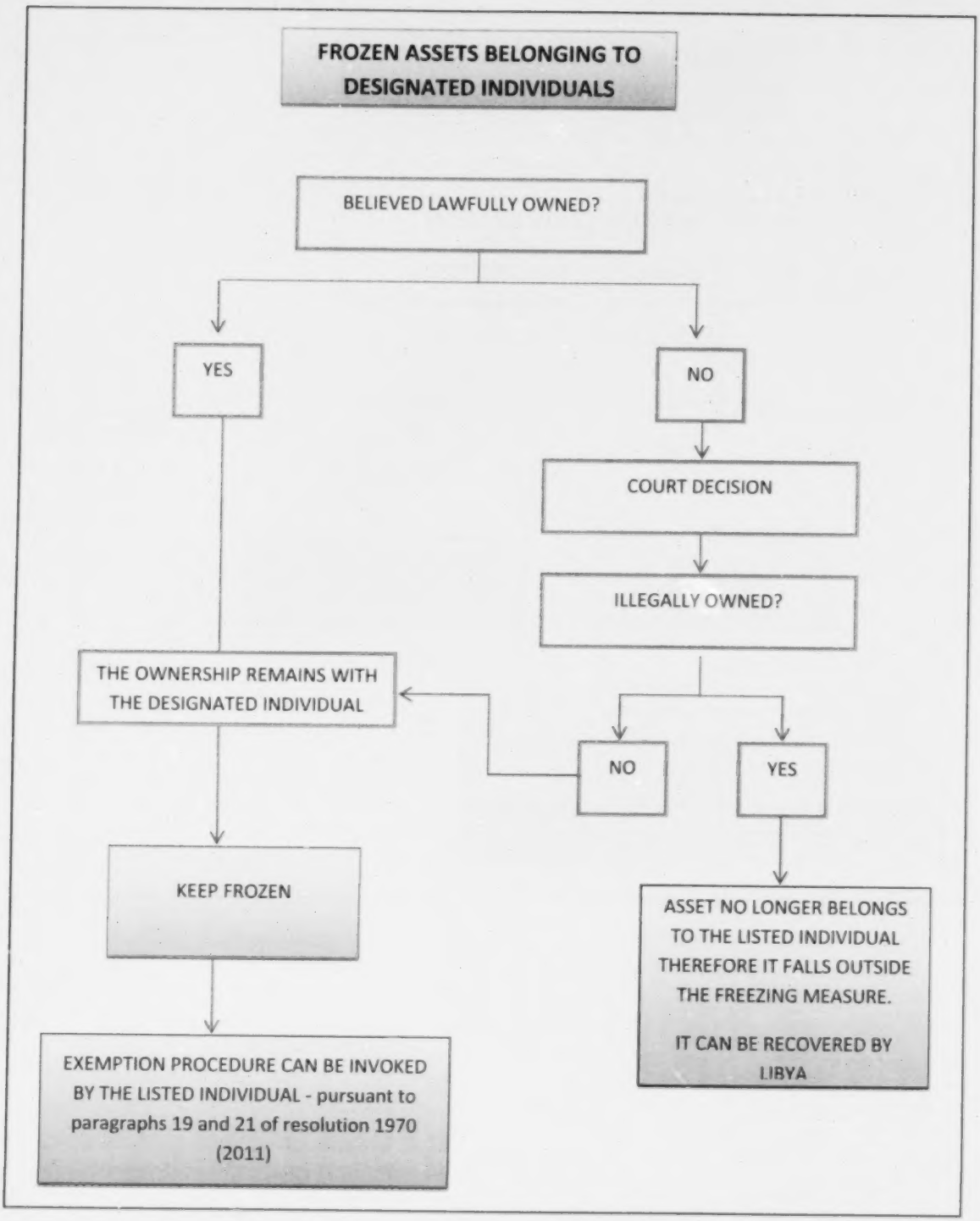

FROZEN ASSETS BELONGING TO LISTED ENTITITES
OWNED BEFORE 16 SEPT 2011?
Pursuant to resolution 2009 (2011)
YES
NO
FREEZE
ASSETS FREEZE DOES NOT APPLY
EXEMPTION PROCEDURE CAN BE INVOKED BY THE LISTED ENTITY OR BY THE MS WHERE THE FROZEN ASSET IS LOCATED - pursuant to paragraphs 19 and 21 of resolution 1970 (2011) and paragraph 16 of resolution 2009 (2011)

Figure XXXI
Frozen assets belonging to designated individuals


FROZEN ASSETS BELONGING TO DESIGNATED INDIVIDUALS
BELIEVED LAWFULLY OWNED?
YES
NO
COURT DECISION
ILLEGALLY OWNED?
THE OWNERSHIP REMAINS WITH THE DESIGNATED INDIVIDUAL
NO
YES
KEEP FROZEN
ASSET NO LONGER BELONGS TO THE LISTED INDIVIDUAL THEREFORE IT FALLS OUTSIDE THE FREEZING MEASURE.
IT CAN BE RECOVERED BY LIBYA
EXEMPTION PROCEDURE CAN BE INVOKED BY THE LISTED INDIVIDUAL - pursuant to paragraphs 19 and 21 of resolution 1970 (2011)

H. Listed entities

251. The Panel considers that there remain three entities listed under the asset freeze measures, namely, the Libyan Investment Authority, the Libyan Arab Foreign Investment Company, now renamed the Libyan Foreign Investment Company (see para. 238), and the Libyan African Investment Portfolio, sometimes referred to as LAP. On 17 July 2012, the Committee wrote to Libya to obtain clarification on the status of the Libyan Arab Foreign Investment Company so that a decision could be made on its designation status. No response has yet been received.

252. The terms of the asset freeze in relation to the above-mentioned entities have remained unchanged since the previous report. In accordance with paragraph 15 of resolution 2009 (2011), assets frozen or liable to be frozen prior to 16 September 2011 should remain frozen, subject to the exemptions detailed in the resolutions. Any assets obtained after that date are not subject to the asset freeze.

253. With the exception of the request for guidance described above and the change of name of the Libyan Arab Foreign Investment Company, the Panel received no information concerning those entities during the reporting period. The Panel is aware that there has been a change of Chief Executive Officer of the Libyan Investment Authority, and has made efforts to contact him, as well as the heads of the Libyan African Investment Portfolio and the Libyan Arab Foreign Investment Company, during the visits of the Panel to Tripoli by e-mail and telephone. An official request was made by letter to facilitate such meetings but no response has been received.

I. Listed individuals

254. The list of individuals designated under the asset freeze measure remains unchanged since the Panel's previous report. The Panel remains of the opinion that certain of these individuals control assets that should be frozen in accordance with the resolutions and has concentrated its investigative efforts towards those cases where information indicating such potential violations has been received or discovered.

7. Investigations

Saadi Qadhafi

255. The investigation into Saadi Qadhafi's financial affairs has so far revealed the existence of a network of individuals, companies and bank accounts involved in the movement of assets belonging to him that should have been frozen in accordance with the asset freeze measures. As explained in the previous report of the Panel (S/2013/99, paras. 245-248), a South African citizen, Ms. Sanders, has moved money from the accounts of companies owned by Saadi Qadhafi into the accounts of her companies in several countries, including the United Republic of Tanzania, where she resides, Uganda and Mauritius.

The United Republic of Tanzania

256. The Panel visited Dar es Salaam and discussed the matter with government representatives, including the police and prosecuting authorities. The utmost

cooperation was afforded to the Panel. In a previous communication from the United Republic of Tanzania, it was stated that the relevant accounts had been frozen. During the visit, it was established that the freeze was a temporary measure under domestic criminal law for a period of seven days only. It was not a freeze in the context of Security Council resolutions, but a judicial restraint while investigations were made by the police. The restraint was successfully legally challenged and the assets returned.

257. The Government of the United Republic of Tanzania confirmed that money had been transferred from the account of Litali Holdings Ltd., a company owned by Saadi Qadhafi, to the account of Jade Design and Consulting, a company owned by Ms. Sanders. Both accounts are held at the Exim Bank in the United Republic of Tanzania. The amount transferred and briefly frozen totalled $1,841,831, but after the temporary freeze was lifted, all but around $10,000 was withdrawn. Litali Holdings Ltd. and another company owned by Saadi Qadhafi, Al-Albani Centre Ltd., being assets of a designated person under the asset freeze measures, should be frozen along with the bank accounts connected to those companies, as illustrated by the chart in annex XVII of the Panel's previous report.

258. Tanzanian authorities possess considerable documentation that would benefit the Panel's investigations. A letter was sent in November 2013 to request such information. While this was acknowledged, no response has yet been received.

Uganda

259. The Panel visited Uganda to meet with government officials and received important information. Aurelius Holdings Ltd., one of the companies previously identified, was set up in November 2011 as a general trading and investment company in Uganda, with Ms. Sanders and a prominent Ugandan businessman as directors. The business account received a number of international remittances from various places, totalling $1,124,698. Information obtained by the Ugandan police suggests that, in the fourth quarter of 2012, the Ugandan businessman became suspicious that the company was not trading as he expected and requested that Crane Bank Ltd. put a hold on the account. He then resigned from the company.

260. The police began an investigation, made enquiries with the bank by way of court orders and initiated international enquiries. The funds are currently judicially restrained pending the results of their investigation. The Ugandan authorities have been exceptionally helpful in response to the Panel's enquiries, enabling it to continue its investigation based on new leads.

261. However, while the funds, which are almost certainly part of the assets of Saadi Qadhafi, are currently restrained, this will only be for the period of the investigation, as Uganda suffers from a lack of legislation by which to enforce the provisions of Security Council resolutions, as discussed above.

Mauritius

262. The information originally received from the United Republic of Tanzania indicated that the main company of Ms. Sanders, Jade Design and Consulting, was 20 per cent owned by her and 80 per cent owned by L'Arcabaleno Ltd., a company registered in Mauritius. Enquiries were sent to Mauritius, along with a request to visit. The Panel visited Mauritius in October 2013 and was given all available

information. There was no evidence of a direct link between Saadi Qadhafi and the company or with any company assets in Mauritius.

The Niger

263. The original enquiries regarding the investigation concerned the financial associations of Saadi Qadhafi in the Niger, where he currently resides (S/2013/99, paras. 241-248). The Panel visited the Niger in September 2012, where it received assistance from the authorities in its investigation, including names of persons involved, and was shown documents of great interest. The Panel received assurances that it would be sent copies of the documents, but to date none have been received. A letter containing a reminder and a request for a further visit was sent following an agreement in a bilateral meeting held in May 2013 with the Permanent Mission of the Niger to the United Nations in New York. The Panel reiterated its request in a further bilateral meeting held in New York in November 2013, and a further letter was sent on 17 January 2014, to which no response has yet been received.

Other matters related to Saadi Qadhafi

264. Sensitive supplementary information concerning persons and asset transfers associated with Saadi Qadhafi and others connected with the investigation has been obtained from various sources. As a result of that information, two further lines of enquiries with various Member States are in progress and will be reported upon in due course.

Abdullah Al-Senussi

265. Abdullah Al-Senussi, an individual designated under the asset freeze and travel ban measures, was arrested in Mauritania after arriving from Morocco on a false Malian passport. He was extradited to Libya, where he is currently awaiting trial. The Committee accepted an exemption notification made by a Member State to allow a law firm representing the interests of Mr. Al-Senussi to accept funds from him in order to pay for legal fees (S/2013/99, para. 250).

266. The Panel is concerned that the sum is extremely large and that the fees were to be sent to the law firm in the notifying Member State, which has confirmed that it has no known assets of Mr. Al-Senussi in its territory. That implies that the assets must be held in a third country. No exemption request has been received from any other Member State, which means that either the third country has not complied with the exemption process, or that the funds are not frozen as they should be. In either event, a breach of the asset freeze measures appears to have occurred in the third, as yet unknown country. Enquiries are under way with the notifying Member State to establish the source of the funds.

267. According to information received from Morocco, Abdullah Al-Senussi visited clinics in Casablanca under the false name of Abdullah Ould Ahmed (S/2013/99, para. 251). The Panel is keen to visit Morocco to follow up on that information and to establish whether bank accounts and other assets have been established under that false identity. The request for such a visit has been reiterated on several occasions during bilateral meetings as well as in a letter, but a response is still awaited.

Al-Unood Al-Senussi

268. According to media reports, Al-Unood Al-Senussi — who is not a designated individual but the daughter of Abdullah Al-Senussi and niece of Muammar Qadhafi's wife, Safia Farkash Al-Barassi, both of whom are designated individuals — was arrested and imprisoned on 6 October 2012 in Tripoli, having entered the country with a false Libyan passport (S/2013/99, paras. 256 and 257). The reports mentioned that she had been in possession of thousands of dollars in cash. The circumstances of the arrest give rise to the suspicion that the cash might have been part of the hidden assets of her father. According to further press reports, she has now been released. No further information has been received on the matter.

Mutassim Qadhafi

269. The Panel received information that a Tunisian company may have been acting on behalf of a deceased designated individual, Mutassim Qadhafi (S/2013/99, para. 258). The information indicates that efforts have been made to move and conceal large amounts of assets within various jurisdictions following the imposition of the asset freeze measures. Enquiries are still in progress, with the cooperation of the Tunisian authorities, to establish whether those assets are linked to designated individuals, and if so, their location.

Possible assets in South Africa

270. Information provided by the Government of Libya and various media reports alerted the Panel to the alleged existence of large amounts of assets in various forms in South Africa. Enquiries revealed that the Libyan Asset Recovery Committee instructed a private company in another Member State to seek the recovery of Libyan assets in African countries.

271. The Panel has contacted the Asset Recovery Committee, the office of the Prime Minister of Libya and the Government of South Africa to clarify the situation. As a result of the enquiries, it is alleged that assets belonging to designated entities or individuals have been identified in four banks and two storage facilities in South Africa and that a cargo of assets is currently at Oliver Tambo airport in Johannesburg. The composition of the assets is allegedly cash, precious metals and stones, valued at tens of billions of dollars.

272. With a view to identifying if the assets are owned or controlled by listed individuals or entities and therefore to be immediately frozen by South Africa, the Panel considers that the ownership of the assets needs to be established and their exact nature identified and noted.

273. The Panel therefore sent several letters to South Africa, held meetings with representatives of the Permanent Mission of South Africa to the United Nations in New York, and recently met with the Ambassador of South Africa to Libya in Tripoli, urgently requesting a visit to assist in establishing the status of the assets. The Committee also sent a letter to reiterate the Panel's request. While a tentative visit date has been indicated informally by the Permanent Mission, official confirmation is still awaited. The Panel wishes to visit as soon as possible in order to inspect the assets and discuss the means by which South Africa will implement the asset freeze measures, if appropriate.

Hannibal and Aisha Qadhafi

274. Information received by the Panel indicates that a charity associated with Aisha Qadhafi, a designated individual, is linked to a company created by her and her brother, Hannibal Qadhafi, also a designated individual. Panel enquiries revealed a network of companies in various Member States that appear to have close financial associations with each other and with Hannibal Qadhafi.

275. It appears that very large amounts of cash have been directed through the above-mentioned companies to Hannibal Qadhafi. A detailed analysis of the acquired information is under way to unravel the complicated associations and depends on the assistance of various Member States. The results of the enquiries will be communicated by the Panel in due course.

J. Findings

Lack of capacity to comply with the asset freeze measures

276. The Panel's investigations have revealed a lack of capacity in some Member States to comply with the asset freeze measures of the Libyan sanctions regime and probably other Security Council sanctions regimes that are not connected to terrorism, owing to a lack of domestic legislation allowing the freezing of assets not connected with the investigation of an offence.

277. The Member States that the Panel visited have not exhibited any reluctance to comply with the resolutions or to cooperate with the Panel; on the contrary, they have been of great assistance in providing information and facilities. In most cases, the Governments concerned are aware of the situation and are contemplating or in the process of remedying the matter.

278. Nevertheless, under these circumstances, Mauritius, Tunisia, Uganda and the United Republic of Tanzania are unable to freeze the assets of designated entities and individuals. This constitutes non-compliance with the relevant resolutions and, in at least one instance, has resulted in the loss of assets strongly believed to belong to a designated individual. Furthermore, the assets of the companies owned by Saadi Qadhafi in the United Republic of Tanzania, Al-Albani Islamic Centre Ltd. and Litali Holdings Ltd., should also have been frozen, which constitutes non-compliance with the relevant resolutions. The Panel understands, however, that the above-mentioned lack of domestic legislation makes it impossible for the assets to be frozen.

279. The Panel sent letters to the above-mentioned Member States on 5 February 2014 to offer them an opportunity to rebut the assertions. Uganda informed the Panel that section 118 of its Financial Institution Act No. 2 of 2004 is also applicable in the case of an asset freeze imposed by Security Council resolutions. The Panel thanks Uganda for its reply and for the new information provided. Mauritius replied on 12 February 2014, informing the Panel that the drafting process for new legislation to freeze assets pursuant to the Libya sanctions regime was expected to be completed shortly.

280. The Panel analyzed the above-mentioned legislation and remains of the opinion that the Ugandan Act is not sufficient to comply with the Libyan asset freeze measure for two reasons. First, the freezing of assets belonging to listed individuals and entities depends upon a decision that has to be taken by the Ugandan

central bank. That implies a decision-making process that could render Security Council sanctions irrelevant. Second, the assets concerned would have to be proceeds of crime, which is not the case for the asset freeze measure of the Libyan sanctions regime.

281. The Panel has strong information that indicates that other Member States in the region have a similar lack of capacity and is in the process of making enquiries to establish the compliance capabilities of such Member States. The situation is testimony to the importance that Member States submit timely and accurate implementation reports and ensure that they have the legal capacity to effectively implement Security Council sanctions (see para. 290).

V. Recommendations

A. Arms embargo

To the Security Council

282. The Panel of Experts recommends that the Security Council increase the number of experts on the Panel in order to expand its capacity to monitor and analyse arms transfers that are in violation of the arms embargo to and from Libya.

To the Government of Libya

283. The Panel of Experts addresses the following recommendations to the Government of Libya:

(a) Identify as a matter of urgency the procurement procedures of ministries or agencies other than the Ministry of Defence that are currently in a position to procure lethal military materiel, and communicate to the Committee in a timely manner the relevant focal points in those institutions;

(b) Keep the Committee up-to-date on the names and titles of the officials authorized to sign on behalf of the Military Procurement Department of the Ministry of Defence;

(c) Include the end user in the arms procurement process and make its signature a requirement, in addition to the signature of the relevant arms procurement focal point from the respective institution:

(i) For the Ministry of Defence, one signature from the Military Procurement Department and one from the Chief of Staff (or equivalent) of the precise end user entity (navy, air defence, air force, border control or ground forces);

(ii) For other ministries or agencies that may procure lethal military materiel, one signature from the designated focal point for arms procurement (see above) and one from the head of the precise end user entity.

To the Committee

284. The Panel of Experts addresses the following recommendations to the Committee:

(a) Encourage the Government of Libya to implement the recommendations in paragraph 283, above;

(b) To amend implementation assistance notice No. 2 of the Committee, in accordance with the above-mentioned recommendations, by requesting that Member States intending to transfer lethal military materiel to the Government of Libya provide to the Committee two signatures: one from the relevant focal point for arms procurement and one from the head of the precise end user entity.

To Member States

285. The Panel of Experts addresses the following recommendations to Member States:

(a) Those Member States intending to transfer lethal military materiel to Libya should give due consideration to the requirements laid out in implementation assistance notice No. 2 of the Committee and provide the Committee with all required documentation at the time of the initial notification of their intended transfer;

(b) Remind private actors selling arms and related materiel, including sports shooting equipment, that the export to Libya of such items falls under the arms embargo, even if no export license is required under national laws;

(c) Support the activities related to securing and managing Libyan stockpiles and ammunition storage areas, particularly the programmes and projects led by the Mine Action Service and its partners in Libya.

B. Travel ban

To the Committee

286. The Panel of Experts recommends that the Committee update the believed status and location of the following individuals on the list of individuals and entities:

(a) Qadhaf Al-dam, Sayyid Mohammed, believed to be located in Egypt;

(b) Dorda, Abu Zayd Umar, believed to be in custody in Libya;

(c) Al-Senussi, Colonel Abdullah, believed to be in custody in Libya.

To Member States

287. The Panel of Experts recommends that Member States provide the Committee or the Panel with any information about any of the individuals or entities on the list whose status and/or location is unknown or is subject to change.

C. Asset freeze

To the Security Council

288. By paragraph 18 of its resolution 1970 (2011), the Security Council states that frozen assets should at a later stage be made available to and for the benefit of the people of Libya. This has led to confusion with regard to claims by the Government of Libya for assets that are frozen because they belong to listed individuals. The Panel of Experts recommends that any future resolution of the Council regarding the Libyan sanctions regime address the mechanisms by which frozen assets are disposed of, in particular with regard to assets belonging to listed individuals. This is to ensure that:

(a) Frozen national assets stolen by such individuals are legally recovered by the relevant State through due legal process;

(b) The property rights of the individuals concerned are not violated.

To the Committee

289. The Panel of Experts addresses the following recommendations to the Committee:

(a) The name of a designated entity, the Libyan Africa Foreign Investment Company, should be amended in the list of individuals and entities of the Committee to reflect its current name, the Libyan Foreign Investment Company;

(b) Send a note verbale to all Member States to remind them of their obligation to submit implementation reports. To date, only 59 Member States have submitted such reports. Should this recommendation be accepted, the Panel is ready to provide an implementation template, if appropriate.

To Member States

290. The Panel of Experts recommends that those Member States that do not have domestic legislation enabling assets to be frozen in accordance with the Libya sanctions regime introduce such legislation as soon as possible.

Annex I

List of institutions and individuals consulted

The list below excludes certain individuals, organizations or entities with whom the Panel met, in order to maintain the confidentiality of the sources and not to impede the ongoing investigations of the Panel.

Armenia	
Government	Ministry of Defence
Central African Republic	
Government	Ministry for disarmament, demobilization and reintegration
Diplomatic missions	France, European Union
France	
Government	Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Defence
Organizations	Interpol
Israel	
Government	Ministry of Foreign Affairs, Ministry of Defence
Libya	
Government	Ministry of Defence, Ministry of the Interior, Ministry of Foreign Affairs, Chief of Army General Staff , Asset Recovery Committee, Office of the Prime Minister, Attorney General
Organizations	United Nations Support Mission in Libya, NGOs
Diplomatic missions	France, United Kingdom, South Africa, Ukraine, Italy
Mali	
Government	Ministry of the Interior, Ministry of Defence
Diplomatic missions	France
Malta	
Government	Sanctions Monitoring Board, Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Finance, Deputy Attorney General, Prosecutors Office, Financial Intelligence Unit, police

Mauritius	
Government	Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Finance, National Security Advisor, Financial Intelligence Unit
Organizations	UNDP
Niger	
Government	Ministry of Interior, Ministry of Defence, Ministry of Finance, Gendarmerie
Diplomatic missions	France, United States
United Republic of Tanzania	
Government	Ministry of Finance, Ministry of Foreign Affairs, Office of the Attorney General, Director of public prosecutions, Ministry of the Interior, police, Financial Intelligence Unit
Organizations	WHO
Tunisia	
Government	Ministries of the Interior, Defence, Justice; National Guard
Diplomatic missions	France, United States
Turkey	
Government	Ministry of Foreign Affairs, Ministry of Customs and Trade, Ministry of Defence, Prime Minister's office
Uganda	
Government:	Ministry of Finance, Ministry of Foreign Affairs, Office of the Attorney General, Director of Public Prosecutions, police
United Kingdom	
Government	Foreign and Commonwealth Office, Ministry of Defence, Treasury, National Crime Agency, Metropolitan Police Service
United States of America	
Government	State Department, Federal Bureau of Investigation, Treasury, Department of Justice, Department of Defense
Diplomatic missions:	Representatives from the following permanent missions to the United Nations: Algeria, Argentina, Australia, Canada, Chad, China, Egypt, France, Germany, Greece, Israel, Libya, Luxembourg, Niger, Nigeria, Malta, Mauritius, Mexico, Morocco, Oman, Russian Federation, Rwanda, Serbia, South Africa, Tunisia, Turkey, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Zambia
International organizations:	World Bank

Annex II

Panel official outgoing correspondence log during the present mandate

2013

No.	Country	About	Sent on
34	Libya	Multiple entry-VISA request	8/04/13
35	Greece	Arms Embargo/Visit	10/04/13
36	United Nations Support Mission in Libya	Request VISA to enter Libya	11/04/13
37	Oman	Travel Ban	12/04//13
38	Algeria	Travel Ban	12/04/13
39	United Republic of Tanzania	Assets Freeze/Visit	16/04/13
40	Uganda	Asset Freeze/Visit	16/04/13
41	Belgium	Arms Embargo	17/04/13
42	Russian Federation	Arms Embargo	17/04/13
43	Egypt	Assets Freeze	23/04/13
44	Chair	Inspection Report on Mali	23/04/13
45	Greece	Arms Embargo/Visit	25/04/13
46	Turkey	Arms Embargo	29/04/13
47	Bulgaria	Arms Embargo	29/04/13
48	China	Arms Embargo	29/04/13
49	United Republic of Tanzania	Assets Freeze/VISA	9/05/13
50	China	Arms Embargo	9/05/13
51	Niger	Asset Freeze/Visit	15/05/13
52	Algeria	Travel Ban	17/05/13
53	Republic of Korea	Arms Embargo	20/05/13
54	Chair	Travel Ban update	20/05/13
55	Ukraine	Arms Embargo	23/05/13
56	Uganda	Assets Freeze/Visit	23/05/13
57	Canada	Assets Freeze/Travel Ban	28/05/13
58	Switzerland	Assets Freeze/Travel Ban	28/05/13
59	Mexico	Assets Freeze/Travel Ban	28/05/13
60	Nigeria	Arms Embargo/Visit	28/05/13
61	Algeria	Travel Ban	28/05/13
62	Bulgaria	Arms Embargo	28/05/13
63	Turkey	Arms Embargo/Visit	29/05/13
64	France	Arms Embargo	29/05/13

65	South Africa	Assets Freeze/Visit	3/06/13
66	Libya	Assets Freeze	3/06/13
67	United Republic of Tanzania	Assets Freeze	3/06/13
68	Switzerland	Assets Freeze	5/06/13
69	Tunisia	Assets Freeze/Visit	28/06/13
70	Libya	Visa	12/06/13
71	Uganda	Assets Freeze	12/06/13
72	Canada	Assets Freeze/Travel Ban	19/06/13
73	Lebanon	Arms Embargo	26/6/13
74	Ukraine	Arms Embargo	26/06/13
75	Chad	Arms Embargo/Visit	26/06/13
76	Mauritius	Assets Freeze/Visit	26/06/13
77	South Africa	Assets Freeze/Visit	26/06/13
78	Morocco	Assets Freeze/Visit	26/06/13
79	Armenia	Arms Embargo/Visit	25/7/13
80	President of the Security Council	Transmission Interim Report	2/7/13
81	Chair	Transmission Interim Report	2/07/13
82	Qatar	Arms Embargo	5/07/13
83	Jeppesen	Arms Embargo	5/07/13
84	Mexico	Assets Freeze/Travel Ban/Visit	5/07/13
85	Turkey	Arms Embargo/Visit	5/07/13
86	African Union Mission in Somalia (AMISOM)	Arms Embargo/Visit	8/07/13
86	Tunisia (double-numbered)	Assets Freeze	9/07/13
87	Malta	Assets Freeze	9/07/13
88	Chair	Update to list of designated individuals	19/07/13
89	South Africa	Assets Freeze/Visit	31/07/13
90	Italy	Assets Freeze	1/08/13
91	Switzerland	Assets Freeze	31/07/13
92	Malta	Assets Freeze	1/08/13
93	Zimbabwe	Assets Freeze	5/08/13
94	Malawi	Assets Freeze	5/08/13
95	Chair	Update IAN#2	7/08/13
96	Russian Federation	Arms Embargo	12/08/13
97	Italy	Assets Freeze	12/08/13
98	Chair	Follow-up on recommendation 8 of S/2013/99	27/08/13
99	INTERPOL	Arms Embargo	15/08/13
100	Niger	Arms Embargo/Assets Freeze/Visit	15/08/13

101	Chair	Update to list of designated individuals	19/08/13
102	Cyprus	Assets Freeze	19/08/13
103	Tunisia	Assets Freeze	19/08/13
104	United Arab Emirates	Arms Embargo	21/08/13
105	Armenia	Arms Embargo/Visit	21/08/13
106	Israel	Arms Embargo/Visit	27/08/13
107	Egypt	Arms Embargo/Visit	27/08/13
108	Mauritius	Assets Freeze/Visit	19/09/13
109	Greece	Arms Embargo	19/09/13
110	Egypt	Arms Embargo	19/09/13
111	Morocco	Arms Embargo	19/09/13
112	Mali	Arms Embargo/Visit	19/09/13
113	AMISOM	Arms Embargo/Visit	19/09/13
114	Brink's	Assets Freeze	24/09/13
115	Malta	Arms Embargo	30/09/13
116	Belgium	Arms Embargo	1/10/13
117	Australia	Assets Freeze	10/10/13
118	Benin	Assets Freeze	25/10/13
119	Egypt	Arms Embargo/Visit	6/11/13
120	Tunisia	Arms Embargo/Assets Freeze/Visit	6/11/13
121	Turkey	Arms Embargo/Visit	7/11/13
122	Niger	Arms Embargo/Visit	8/11/13
123	United States of America	Arms Embargo	8/11/13
124	Mali	Assets Freeze	11/11/13
125	Ukraine	Arms Embargo	15/11/13
126	Sweden	Arms Embargo	15/11/13
127	Côte d'Ivoire	Assets Freeze	14/11/13
128	Guinea-Bissau	Assets Freeze	14/11/13
129	Greece	Arms Embargo	14/11/13
130	Republic of Moldova	Arms Embargo	14/11/13
131	Chair	Arms embargo	18/11/13
132	Burkina Faso	Assets Freeze	19/11/13
133	Libya	VISA	19/11/13
134	Canada	Assets Freeze	22/11/13
135	Tunisia	Assets Freeze	27/11/13
136	Cyprus	Assets Freeze	27/11/13
137	United Republic of Tanzania	Assets Freeze	27/11/13

138	Uganda	Assets Freeze	13/12/13
139	Togo	Assets Freeze	5/12/13
140	Senegal	Assets Freeze	5/12/13
141	United Arab Emirates	Arms Embargo	29/11/13
142	Sudan	Arms Embargo	29/11/13
143	Russian Federation	Arms Embargo	29/11/13
144	Libya	Meetings	2/12/13
145	Mali	Arms embargo/visit	2/12/13
146	Niger	Arms Embargo/Visit	5/12/13
147	Gabon	Assets Freeze	9/12/13
148	Democratic Republic of the Congo	Assets Freeze	9/12/13
149	Malta	Assets Freeze/Visit	9/12/13
150	Poland	Arms Embargo	18/12/13
151	Russian Federation	Arms Embargo	20/12/13
152	France	Arms Embargo	27/12/13

2014

No.	**Country**	**About**	**Sent on**
1	Syrian Arab Republic	Arms Embargo	6/01/14
2	Lebanon	Arms Embargo/Visit	7/01/14
3	Central African Republic	Arms Embargo/Visit	7/01/14
4	Italy	Arms Embargo	7/01/14
5	Tunisia	Arms Embargo	8/01/14
6	Turkey (Not transmitted)	Arms Embargo (Not transmissed due to technical error)	N/A
7	Canada	Arms Embargo	7/01/14
8	Saudi Arabia	Arms Embargo	7/01/14
9	Libya	Arms Embargo/Assets Freeze/Visit	8/01/14
10	Chair	Arms Embargo/Update	9/01/14
11	Niger	Assets Freeze/Visit	15/01/14
12	Libya	Arms Embargo	15/01/14
13	Algeria	Arms Embargo/Visit	15/01/14
14	Bulgaria	Arms Embargo	15/01/14
15	United Kingdom	Arms Embargo	15/01/14
16	Denmark	Assets Freeze	15/01/14
17	Uganda	Assets Freeze	15/01/14
18	Switzerland	Assets Freeze	15/01/14
19	Cyprus	Assets Freeze	15/01/14

20	Italy	Assets Freeze	17/01/14
21	United Kingdom/British Virgin Islands	Assets Freeze	17/01/14
22	United States of America	Arms Embargo	17/01/14
23	Malta	Arms Embargo/Assets Freeze/Visit dates	17/01/14
24	Sudan	Arms Embargo	24/01/14
25	Central African Republic	Assets Freeze	29/01/14
26	Oman	Travel Ban for rebuttal	31/01/14
27	Mauritius	Assets Freeze for rebuttal	5/02/14
28	Oman	Travel Ban	5/02/14
29	Uganda	Assets Freeze for rebuttal	5/02/14
30	United Republic of Tanzania	Assets Freeze for rebuttal	5/02/14
31	Tunisia	Assets Freeze for rebuttal	5/02/14
32	Armenia	Arms Embargo for rebuttal	6/02/14
33	Egypt	Arms Embargo/Visit	6/02/14
34	Turkey	Arms Embargo for rebuttal	7/02/14
35	Qatar	Arms Embargo for rebuttal	7/02/14
36	Italy	Assets Freeze	12/02/14

Annex III

Level of responsiveness to requests for information and/or visits from the Panel

Table showing level of responsiveness to requests for information and/or visits

Country/organization	Number of letters sent[a]	Requested info fully supplied	Requested info partially supplied	No answer	Visit request
Algeria	4	2[b]		2	Not granted[e]
African Union Mission in Somalia	2		2		
Armenia	1	1			Granted
Australia	1	1			
Belgium	2	2			
Benin	1			1	
Burkina Faso	1			1	
Bulgaria	3	3			
Canada	3	1	1[c]	1	
Chad	1			1	Not Granted[e]
China	2	2			
Côte d'Ivoire	1			1	
Cyprus	3	3			
Democratic Republic of the Congo	1			1	
Denmark	1	1			
Egypt	4	3		1	Not Granted
France	2	2			Granted
Gabon	1			1	
Greece	4	3, 1[b]			Not Granted[f]
Guinea-Bissau	1			1	
INTERPOL	1	1			Granted
Israel	1	1			Granted
Italy	4	3		1[d]	
Lebanon	2	1		1[d]	
Libya	1			1	Granted
Malawi	1			1	
Mali	2	1		1	Granted
Malta	4	4			Granted
Mauritius	1	1			Granted
Mexico	2	2			Not Granted[f]
Morocco	2	1		1	Not Granted[e]
Niger	5	1		4	Partly granted (to arms experts)[e]
Nigeria	1			1[d]	Not Granted[e]
Oman	2	2			
Poland	1			1[d]	

Country/organization	Number of letters sent[a]	Requested info fully supplied	Requested info partially supplied	No answer	Visit request
Qatar	1		1		
Republic of Korea	1	1			
Russian Federation	4	2		2	
Saudi Arabia	1			1	
Senegal	1			1	
Sudan	2			2	
Sweden	2	1			
Switzerland	4	4			
Syria	1	1			Not Granted
South Africa	3		1	2[d]	Not Granted[e]
United Republic of Tanzania	3	1		2[d]	Granted
Togo	1			1	
Tunisia	5	4	1		Granted
Turkey	4	4			Granted[g]
United Arab Emirates	2			2	
Uganda	4	4			Granted
Ukraine	2	2			
United Kingdom, incl. British Virgin Islands	2	2			Granted
United States of America	2	1	1		Granted
Zimbabwe	1	1			

[a] This figure does not include letters for rebuttal or letters concerning logistical issues related to a visit.
[b] Answer addressed to the Committee.
[c] Member State indicated that no information can be shared due to an ongoing investigation.
[d] Member State indicated that a response was forthcoming.
[e] Member State did not respond to a follow-up from the Committee.
[f] Member State suggested awaiting outcome of or process during an ongoing investigation.
[g] Member State did not grant an inspection due to an ongoing investigation.

Annex IV

Bill of lading for the *Nour M*

21/01 2014 1.19MM FAX 2103881021 BFA YPLX 0008/0013

ANNEX 2

Shipper State Self-Supporting Foreign Trade and Investment Firm "UKRINMASH"	**BILL OF LADING** B/L No. 1/10.13-L TO BE ISSUED WITH CHARTER PARTY'S Reference No. COPY NON NEGOTIABLE
Consignee Ministry of Defense of Libya	
Notify address Ministry of Defense of Libya	
Vessel M/V "NOUR-M"	Port of loading OKTYABRSK, UKRAINE
Port of discharge TRIPOLI, LIBYA	

Shipper's description of goods	"SAID TO BE" "SAID TO WEIGH / MEASURE"	Gross weight (kgs) / measurement (cbm)
Cartridges, class 1,4S, UN 0012 (12500 wooden boxes, 275000 kg.) packed into 14 x 20-ft. containers.	14 places	307200 kg
	Total: 14 places	307200 kg

CLEAN SHIPPED ON BOARD.

(of which 50% on deck at Shipper's risk; the Carrier not being responsible for loss or damage howsoever arising)

Freight payable as per CHARTER-PARTY dated

FREIGHT ADVANCE:

Terms and conditions of Freight: FREIGHT PREPAID

Time used for loading: days hours

RECEIVED at the Port of Loading in apparent good order and condition on board the Vessel for carriage to the Port of Discharge or so near thereto as she may safely get the goods specified above.

Weight, measure, quality, quantity, condition, contents and value unknown.

IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of Bills of Lading indicated below all of this tenor and date, any one of which being accomplished the others shall be void.

FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

	Freight payable at	Place and date of issue
		OKTYABRSK, 16.10.2013
Vessel and voyage [illegible]	Number of original B/Ls 3 / THREE	Signature MASTER OF M/V "NOUR-M" MEHMET VELDEM

21/01 2014 1:19MM FAX 2190881021 MFA YPEX 0009/0019

BRANAME "CONGENBILL" EDITION 1994

STATE [illegible] SUPPORTING FOREIGN TRADE AND INVESTMENT FIRM "UKRINMASH"	**BILL OF LADING** TO BE USED WITH CHARTER-PARTIES — B/L No. 1 — Reference No. 1.
Consignee: MINISTRY OF DEFENSE OF LIBYA	
Notify address: MINISTRY OF DEFENSE OF LIBYA	**COPY**

Vessel: "NOUR-M" — Flag: SIERRA LEONE	Port of loading: OKTYABRSK, UKRAINE
Port of discharge: TRIPOLI, LIBYA	

Shipper's description of goods	Number of packages	Gross weight	Net weight / Measurement
12.7X108 MM CARTRIGES, CLASS 1.4S, UN 0012 (6407 WOODEN BOXES / 180780.00 KGS) PACKED INTO 10X20-FT CONTAINERS			
TOTAL:	10 PLACES	200780.00 KGS	

CLEAN SHIPPED ON BOARD

(of which NIL on deck at Shipper's risk; the Carrier not being responsible for loss or howsoever arising)

Freight payable as per CHARTER-PARTY dated ..... FREIGHT ADVANCE Received on account of freight: FREIGHT PREPAID Time used for loading ..... days ..... hours	SHIPPED at the Port of Loading in apparent good order and condition on board the Vessel for carriage to the Port of Discharge or so near thereto as she may safely get the goods specified above. Weight, measure, quality, condition, contents and value unknown. IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of Bill of Lading indicated below all of this tenor and date, any one of which being accomplished the others shall be void. FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

	Freight payable at	Place and date of issue: OKTYABRSK, UKRAINE 19.10.2013
	Number of original B/L: 3/THREE	Signature: THE MASTER [illegible] "NAOLEON A/N"

21/01 2014 1 20MN FAX 2103691021 MFA YPEK 0010/0013

CODE NAME "CONGENBILL" EDITION 1994

Shipper
"STATE SELF-SUPPORTING FOREIGN TRADE AND INVESTMENT FIRM "UKRINMASH"

BILL OF LADING B/L No. 2
TO BE USED WITH CHARTER-PARTIES

Reference No. 2

Consignee
MINISTRY OF DEFENSE OF LIBYA

Notify address
MINISTRY OF DEFENSE OF LIBYA

COPY

Vessel	Flag	Port of loading
"NOUR-M"	SIERRA LEONE	OKTYABRSK, UKRAINE
Port of discharge		
TRIPOLI, LIBYA		

Shipper's description of goods	Number of packages	Gross weight	Net weight / Measurement
7,62X39 MM CARTRIGES, CLASS 1.4S, UN 0012 (21429 WOODEN BOXES / 642858.00 KGS) PACKED INTO 30X20-FT AND 1X40-FT CONTAINERS			
	TOTAL: 31 PLACES	715723.00 KGS	

CLEAN SHIPPED ON BOARD

(of which 31 CONTAINERS on deck at Shipper's risk; the Carrier not being responsible for loss or howsoever arising)

Freight payable as per CHARTER-PARTY dated .....

FREIGHT ADVANCE

Received on account of freight: FREIGHT PREPAID

Time used for loading ..... days ..... hours

SHIPPED at the Port of Loading in apparent good order and condition on board the Vessel for carriage to the Port of Discharge or so near thereto as she may safely get the goods specified above. Weight, measure, quality, condition, contents and value unknown. IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of Bill of Lading indicated below all of this tenor and date, any one of which being accomplished the others shall be void.

FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

	Freight payable at	Place and date of issue
		OKTYABRSK, UKRAINE 22.10.2013
	Number of original B/L	Signature
	FIVE	THE MASTER OF M/V "NOUR-M" MR. MEHMET YILDIRIM

Annex V

Update on previously reported transfers of ammunition to Libya organized by the United Arab Emirates

Armenia

1. The Panel visited Armenia in September 2013 to meet with authorities, the broker and the aviation company registered in Armenia involved in the transfers under investigation. Armenia fully cooperated with the Panel and facilitated meetings with the private entities.

2. The broker, DG Arms Corporation, explained that the United Arab Emirates had contacted it with a request to supply materiel. Their representatives told the Panel "they were unaware that the ammunition's intended destination was Libya, since the intended transfer was from Albania to the United Arab Emirates under the control of representatives of the United Arab Emirates who travelled with the ammunition aboard the flights.

3. DG Arms admitted it had not sought opinion or permission for the transaction from the Ministry of Defence of Armenia, as required under Armenian national law. Because of this, Armenia informed the Panel, DG Arms had its export/brokering/import licence revoked.

4. During the meeting with Ayk Avia air company, its representatives explained that the aircraft in question had been sublet to another company called V-Berd Avia Ltd and that Ayk Avia was unaware that the aircraft were heading to Libya as the flight plans were changed en route. This contradicts documentation Albania provided to the Panel which showed that Ayk Avia, before the first flight took place, submitted a request to Albania for permission to land including the flight schedule which clearly mentioned the airport of Benghazi, Libya.

5. In a letter dated 29 October 2013, Armenia informed the Panel that "the Flight Operation Department and the Air Transportation Regulation Department of the Civil Aviation General Department of the Republic of Armenia have examined the information contained in the previous final report of the Panel (S/2013/99) and concluded that Ayk Avia air company conducted poor airplane operations supervision and violated flight operation guidelines of the international air routes. Consequently, the Civil Aviation General Department declined to extend the Air Operator's Certificate of Ayk Avia air company, which expired on October 17, 2013."

Republic of Moldova

6. After the series of flight transporting ammunition to Benghazi, the aircraft flew to the Republic of Moldova. In the previous mandate, the Panel asked the Republic of Moldova to provide information regarding the flight path. The Republic of Moldova responded immediately after the submission of the previous report to the Council, so its response could not be reflected in that report. The Republic of Moldova explained that on 12 September 2011, while the aircraft was supposed to come from Armenia, Ayk Avia informed Moldovan air traffic control en route that the aircraft was in fact coming from Benghazi. The Republic of Moldova inspected the aircraft and confirmed that there were no goods transported onboard.

Ukraine

7. The ammunition transferred to Libya were part of a larger list of equipment which the United Arab Emirates sought to purchase. According to the information the Panel received, DG Arms was contacted regarding a Conclusion Document (N°27548806) signed by the Deputy Head of State Service Export Control of Ukraine on 3 August 2011 regarding a list of 35 various items including small, light and heavy weapons systems and ammunition. Ukraine, in response to an enquiry of the Panel, responded that the document entitled the parties to enter into negotiation and did not constitute an authorization by the State Export Control Service to carry out the transfers; no materiel other than the ammunition and AKMs were delivered.

Regarding the remaining materiel listed in the EUC related to the deal between Ukrinmash and the United Arab Emirates authorities (S/2013/99, para. 82), Ukraine informed the Panel that the 1000 AKM and the 1.2 million rounds of ammunition were transported in August 2011 from Ukraine to the United Arab Emirates, and not to Libya. The Panel also contacted the United Arab Emirates to confirm the delivery of the materiel. No response has been received.

Annex VI

Registration document for the *Alexandretta*

ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

Certificate of Registry

Nr: 11082/N

Issued under the provisions of the Sections 1-10 of the Shipping Act, 2004

WHEREAS, the Government of ST. VINCENT AND THE GRENADINES, has considered and approved the application of the ship described hereunder. THEREFORE, be it resolved, that there be issued, pursuant to the terms of the Shipping Act, 2004, this Certificate of registry to the said vessel entitling her to engage in foreign trade under the flag of St. Vincent and the Grenadines and be accorded the rights and privileges of a St. Vincent and the Grenadines vessel in accordance with the terms of the Shipping Act, 2004.

Name of Ship		Official Number	Call Sign	IMO Number
ALEXANDRETTA		11082	J8B4929	9513772
Year & Port of Registry	Previous Name of Ship		Previous Port of Registry	
2011, KINGSTOWN	ALEXANDRETTA		VALETTA	
Date	Name, Residence and Description of the Owner(s)		Shares	Recorded
11/02/2007	KHAFAJI MARINE CO. S.A. (IMO 5939615) TEGUCIGALPA, HONDURAS C.A		-.0 %	11/10/2011

PARTICULARS OF THE SHIP

Place Built	Date of Contract	Year Keel Laid	Year Built	Date of Delivery	Year of Conversion
TURKEY	N/A	1990	1991	N/A	N/A

Name of Builders					
	BOCAELI				
Type of Ship: Cargo Ship Gross Tonnage: 3486 Net Tonnage: 1910		Hull Material Number of Decks Number of Masts	Steel 1 1	Length (T/C 6b) Breadth Moulded Depth	87.21 m 16.82 m 7.90 m

PARTICULARS OF THE ENGINES (IF ANY)

Nr of Sets	Description of Engines	When Built	Number of Cylinders	Diameter	Length of Stroke	kW
1	INTERNAL COMBUSTION	1990	8	320	420	1 X 2098

Name and Address of Makers
KRUPP MAK MASCHINENBAU KIEL - GERMANY

Classification Society	GERMANISCHER LLOYD

Issued by the authority of the Government of ST. VINCENT AND THE GRENADINES, under my hand and seal, at Monaco, this 24 April 2012

This Certificate expires on 24 April 2017

The Commissioner for Maritime Affairs

See overleaf for encumbrance

Annex VII

List of materiel seized on board the *Alexandretta*

1) Container TRKU 403263-9:
25 cardboard bo[illegible]s containing 50,000 rounds of blank ammunition
20 cardboard boxes containing 100 plastic shotgun cases
125 cardboard boxes containing 2500 blank firing pistols
214 cardboard boxes containing 1070 hunting shotguns without groove (hunting guns)
1445 cardboard boxes containing 368,750 hunting cartridges
2) Container QIBU 420484-2:
200 cardboard boxes containing 4000 kg of sodium bicarbonate (powder)
125 cardboard boxes containing 500,000 rounds of blank ammunition
1525 cardboard boxes containing 350,000 hunting cartridges
3) Container UACU 302861-0:
130 cardboard boxes containing 650 hunting guns
250 cardboard boxes containing 5000 kg of sodium bicarbonate
1367 cardboard boxes containing 344,650 hunting cartridges

Source: Greek authorities, April 2013.

Annex VIII

Investigation on flights operated by Qatari aircraft

1. According to flight plans received by the Panel, several Qatari C17 and C130 aircraft have flown in and out of Qatar to and from various Libyan airports since January 2013:

- Flight 1: Mitiga Airport, Tripoli, Libya to Al Udeid Air Base, Doha, Qatar - 15 January 2013
- Flight 2: Mitiga Airport, Tripoli, Libya to Al Udeid Air Base with a stopover in Morocco - 1 February 2013
- Flight 3: Benina Airport, Benghazi, Libya to Al Udeid Air Base, Doha, Qatar - 16 April 2013

2. The flight plans of the Qatari C17 are made by Jeppesen (http://ww1.jeppesen.com/index.jsp), an American company based in Colorado that is a subsidiary of Boeing. The Panel contacted Jeppesen to obtain information regarding these flights, including the cargo transported. The Panel also asked Jeppesen to provide the list of the flights operated by Qatari C17 to Libya since July 2012. The company responded that it was not involved in the process of obtaining Diplomatic Clearances for the Qatar Air Force and did not know the content of the flight cargo for the flights it plans. Jeppesen did not provide the list of flights which the Panel requested.

3. Flight plans provided to the Panel indicate that Military Diplomatic Clearance Numbers were issued by several Member States for the C17 flights in question (see table below). To apply for a Military Diplomatic Clearance Number, parties are generally required to provide precise details of the flight and cargo (in the case of European countries, they should declare any hazardous goods). The Panel contacted several countries that approved Military Diplomatic Clearance Numbers for the abovementioned flights or through the airport of which the aircraft landed on its way back to Qatar.

4. Regarding flight 1, the Panel sent requests to Egypt, Greece and Saudi Arabia. Greece responded that no registered data related to the request and granting of an Military Diplomatic Clearance Number to the corresponding aircraft were in its records. However, Greece informed that on 14 and 15 January, registered flights of an aircraft owned by the Qatari Air Force took place outside the Greek airspace. Egypt responded that Qatar requested a Military Diplomatic Clearance Number for three flights on that day to rotate the guard of the Qatari Embassy in Tripoli. Saudi Arabia did not respond to the Panel's letter.

5. Regarding flight 2, the Panel contacted Morocco to enquire about the content of the cargo and the reason for the stopover in Morocco after departing from Mitiga Airport and before heading back to Qatar. Morocco explained that the aircraft had been granted permanent overflight and landing authorization and was transporting a number of 4x4 vehicles for Qatari dignitaries in Morocco.

6. Regarding flight 3, the Panel awaits a response from Saudi Arabia.

Table 1: Flight control data regarding 2 C17 Qatari flights operated in 2013

Flight	Date of flight	From	To	Call sign	Aircraft registration	Military Diplomatic Clearance Number
	01.14.2013	OTBH	HLLM	LHOB242	MAC	MDCNOE12M018 HE 90102 LG KAT2013 HL 14529
Flight 1	01.15.2013	HLLM	OTBH	LHOB242	MAC	MDCN HL 14529 LG KAT2013 HE 90102 OE12M018
	02.01.2013	HLLM	GMFO	LHOB240	MAA	
Flight 2	02.01.2013	GMFO	OTBH	LHOB240	MAA	MDCN GMQTR213 DA025TMQTR13 DT 0370313 LG KAT1013
	04.15.2013	OTBH	HLLB	LHOB240	MAA	MDCNOE13M018
Flight 3	04.16.2013	HLLB	OTBH	LHOB240	MAA	MDCNOE13M018

ICAO codes: HLLM (Mitiga Airport, Tripoli, Libya), HLLB (Benina Aiport, Benghazi, Libya), OTHB (al Udeid Air Base, Doha, Qatar), GMFO (Angads Airport, Morocco).

7. A report published by the New York Times which looked into these flights concluded that they transported weapons from Libya to Qatar which were then sent to Ankara, Turkey, along with other materiel.[a] The flight data provided to the Panel shows that after the arrivals of each of the above-mentioned flights (1, 2 and 3) in Doha, the next C17 to depart from Doha flew to Ankara.

8. Analysis of the flight plans of Qatari C17 military transport aircraft shows that, between 1 January 2013 and 30 April 2013, the Qatari Air Force operated 28 flights between Doha and Ankara and one to Gaziantep, an airport near the Turkish-Syrian border. It is also interesting to note that after the arrivals of each of the above-mentioned flights (1, 2 and 3) in Doha, the next C17 to depart from Doha flew to Ankara.

[a] Available from www.nytimes.com/2013/06/22/world/africa/in-a-turnabout-syria-rebels-get-libyan-weapons.html?pagewanted=all.

Annex IX

Use of Libyan materiel in terrorist attacks in the Niger

1. The year 2013 was marked by the first suicide attacks in the Niger. On 23 May 2013, two simultaneous attacks were carried out against a military base in Agadez and the Areva uranium facility, killing 24 people and injuring another 24. Following these attacks, the Nigerien authorities publicly claimed that the attackers had come from south Libya;[a] the Panel therefore contacted the Nigerien authorities to obtain additional information about a potential transfer of arms from Libya to the Niger by the perpetrators of the attacks in violation of the embargo, and the Panel's arms experts visited the Niger in December 2013 to enquire further about the case.

2. **Perpetrators**: The attacks were jointly claimed by the Mouvement pour l'Unicité et le Djihaden Afrique de l'Ouest and Mokhtar Belmokhtar's group, Al-Muwaqi'un BilDima (Those Who Sign with Blood),[b] two breakaway factions of Al-Qaida in the Islamic Maghreb which merged in August 2013 to form a new group called Al Murabitun.[c] Belmokhtar has also claimed the attack against Tigantourine gas plant near In Amenas, Algeria, in January 2013. The two groups are primarily based and active in Northern Mali.

3. Terrorists killed in the attack were identified as being Sahraoui, Tunisian, Algerian, Malian and Nigerian and interrogations of their cell phones showed that recent calls had been made to Algeria and Mali; they had arrived in Agadez 15 days before the attacks.

4. **Materiel used**: In December 2013, the Panel was granted access to the arms and ammunition used by the terrorists in Agadez. While the materiel used in the suicide vests, which included 60 mm mortars and grenades, was not available to view, the Panel was able to inspect the assault rifles and the ammunition. Seven AK-type assault rifles were recovered, including an AK 103-2, which is very typical of the Libyan arsenals (serial number 051466055).Several AK type 103-2s have been seized on members of armed groups in Mali; the Panel believes that these relatively new models of rifles delivered to Libya between 2005 and 2008 arrived in Mali after the imposition of the arms embargo on Libya.

5. The Panel has asked the producing country, the Russian Federation, to trace the weapon and is waiting for a response.

6. The Panel has also asked the Polish authorities to trace an AK-MS produced in 1994 (serial number LZ07868), which was also used in the attacks.

7. The Panel notes that the vehicle used in the attack had been purchased in the Niger.

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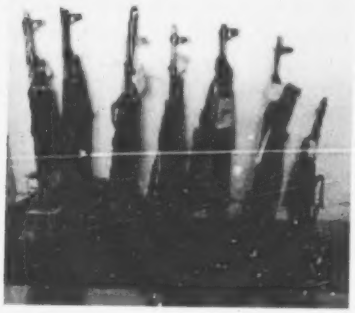
[a] RFI. Attentats au Niger: Issoufou affirme que les assaillants venaient de Libye. 25 May 2013 http://www.rfi.fr/afrique/20130525-attentats-niger-libye-affirme-president-mahamadou-issoufou-arlit-areva-

[b] Al Akbhar. Un leader du MUJAO: les auteurs de l'attaque du Niger ne venaient pas de Libye. 28 May 2013. http://www.fr.alakhbar.info/6842-0-Un-leader-du-MUJAO-les-auteurs-de-lattaque-du-Niger-ne-venaient-pas-de-la-Lybie.html
ANI. Bellawar revendique les attentats du Niger. 24 May 2013. http://www.ani.mr/?menuLink=9bf31c7ff062936a96d3c8bd1f8f2ff3&idNews=21805

[c] ANI. Urgent : Fusion entre les Moulathamounes et le MUJAO. 22 August 2013. http://www.ani.mr/?menuLink=9bf31c7ff062936a96d3c8bd1f8f2ff3&idNews=22617

Figure

Assault rifles seized from terrorists in Agadez



Source: Libya Panel of Experts, Niamey, November 2013

8. 409 rounds of 7.62 x 39 mm ammunition were collected from the terrorists, which the Panel was able to analyse. It found 26 different types produced in eight different countries between 1954 and 2011. 10 out of 26 of these types were documented by the Panel in Mali in materiel seized from armed groups in March 2013, of which only three match the ammunition profile which the Panel has compiled for Libya. The Panel was only able to inspect the cartridges and did not have access to ammunition packaging; therefore it decided to focus its attention on tracing the ammunition produced after 2000. China confirmed to the Panel that the authorities had exported 7.62 x 39 mm marked 811-08 to Mali and not to Libya. Bulgaria confirmed that 7.62 x 39 mm 10/11 ammunition had been exported to the Malian authorities in 2012.

9. Materiel used in the attacks is therefore reflective of various sources of supplies used by Malian armed groups: a mixture of Malian stockpiles taken over during the crisis and materiel supplied from abroad, including from Libya.

10. In view of the investigation conducted by the Nigerien authorities and other security sources, as well as the Panel's own analysis of the materiel, the perpetrators of the terrorist attacks in the Niger did not come directly from Libya. While one of the rifles is very likely coming from Libya, the materiel tends to indicate that it may have been transferred from Mali to the Niger.

Annex X

Update on the *Letfallah II* investigation

1. Actors involved: Lebanon provided the Panel with a copy of the investigation report. The document indicates that Syrian citizens based in Jeddah Saudi Arabia initiated and financed the operation. As the names of the individual who brokered the deal in Saudi Arabia and the person responsible for organizing the shipment in Misrata are extremely common, the Panel is trying to obtain more information before contacting Saudi Arabia and Libya in connection with this case.

2. The investigation report further indicates that the owner of the ship, Mohamad Housain Khaffaji, and his brother, the captain of the ship, Ahmad Housain Khaffaji, two Syrian nationals, were aware of the content of the cargo. The latter was detained in Lebanon for more than a year. He was released in late 2013 and meant to appear before the Lebanese military tribunal, however, the trial has been postponed to April 2014. The Panel interviewed a Lebanese national involved in this transfer, who works as an agent in the port of Tripoli (Lebanon). He confirmed that he went to Jeddah and met with Syrian citizens who funded the operation and that he was responsible for putting them in touch with the owner of the ship. The Panel will continue to pursue this lead. .

3. Route: In a second letter received by the Chair of the Committee on 29 May 2013, Turkey confirmed that the Letfallah II arrived at the Turkish port of Gulluk on 14 April 2012 from Misrata, declaring three containers of "combustible engines" *(sic)* as its cargo, and left on 16 April 2012 bound for Alexandria, Egypt, further carrying 3,000 tons of construction material, loaded in Gulluk, for delivery to Egypt.

4. A response from the Permanent Mission of Syria, dated 11 June 2012, to a letter from the Committee included a range of information regarding this case. The Panel sent a letter to the Permanent Mission of Syria on 5 October 2012, requesting further information and contact details of individuals mentioned in the letter. In response, the Syrian authorities in January 2014 shared pictures of materiel seized onboard the Letfallah II.

5. Materiel: To identify the chain of transfers of various types of items found on board the Letfallah II, the Panel sent several tracing requests to confirm that the materiel originated from Libya. The Panel contacted the Russian Federation to confirm the original end-user of two SA-24 and several recently produced anti-tank missiles. The Panel received a response from the Russian Federation confirming that these weapons were originally delivered to Libya in the late 1990s and in the 2000s.

6. The Panel also requested France to provide information related to two MILAN anti-tank missiles and to confirm to which country these items had been originally transferred.[a] France responded in February 2013 that the MILAN missiles were produced in France and were exported to different countries, but not to Libya. France did not disclose to which country the MILAN missiles had been originally exported but the Panel is following-up.

7. The Panel asked Belgium to trace seven rifles (FAL) and four general purpose machine guns (MAG) found on board the Letfallah II. Belgium responded that while one rifle was exported to Qatar (N°1531415 – order dated 21/12/1979), the other items were exported to Libya pursuant to contracts signed in the 1960s and the 1970s (N° 995754 and N° 1004805 – order dated 30/07/1973 and N°1232064, N°1240363, N°1243069, N°1271182 – order dated 29/08/1975).

[a] See also para. 179 of S/2013/99.

Annex XI

Request from Qatar to Egyptian authorities for Military Diplomatic Clearance Numbers

11/01/2013 FRI 19:48 FAX 212 949 9999 002/002

وزارة الخارجية
إدارة الشئون القانونية

طلب الحصول على تصديق رحلة جوية

الجهة الداخلية : سفارة دولة قطر بالقاهرة — التسجيل :
رقم القيد :
التاريخ : 10/01/2013

عدد الطائرات : "3" — النوع : "طائرة / هليكوبتر" — نوع الطائرة : "مقاتلة / مروحية"
الجنسية : "قطرية" — الطراز : C-17 — التسجيل : (MAS) (MAC) (MAA)
الاسم التعبوي : (LHOB - 242) (LHOB - 241) (LHOB - 240)

رحلة الذهاب : (١٤ / ١ / ٢٠١٣)

خط السير : الدوحة - ليبيا

دخول المجال من نقطة : KITOT — ساعة : "14:00" — يوم : (14 / 1 / 2013)
هبوط بمطار : — ساعة : " " — يوم : (/ /)
الاقلاع من مطار : — ساعة : " " — يوم : (/ /)
خروج المجال من نقطة : METHU — ساعة : "14:45" — يوم : (14 / 1 / 2013)

رحلة العودة : (١٤ / ١ / ٢٠١٣)

خط السير : ليبيا - الدوحة

دخول المجال من نقطة : SALUN — ساعة : "20:30" — يوم : (14 / 1 / 2013)
هبوط بمطار : — ساعة : " " — يوم : (/ /)
الاقلاع من مطار : — ساعة : " " — يوم : (/ /)
خروج المجال من نقطة : SILKA — ساعة : "21:15" — يوم : (14 / 1 / 2013)

القادمين من الرحلة : عدد "3" طائرات عسكرية C - 17 في رحلاتها ذهاباً وإياباً في ليبيا للتواصل حول سفارة دولة قطر في طرابلس

ملاحظات : ١- ضرورة إستيفاء بيانات النموذج بالكامل
تحديد أوقات الطلوب (صباحي / مسائي)
أن بالغ إلى أي طلب يرد بعد التوقيتات المنصوص عليها بالتنظيمات (صباحاً ٢٢ / ٩٨)

الجهة الطالبة :
سفارة دولة قطر بالقاهرة

رقم التليفون : ٣٩٦٠٣٩١٧ - ٣٩٦١٣٧٤٤ رقم الفاكس : ٣٩٦٠٣٦١٨

Received Time Nov. 1. 2013 8:41PM No. 7670

Annex XII

List of materiel seized by Tunisian authorities currently under the control of the arms and ammunition section of the army

Materiel	Quantity
Weapons systems	
Various types of hunting rifles	29
Air guns	11
Various handguns	4
FNFAL	1
RPG Launchers	74
SA-7b MANPADS	8 (+ 2 grip stocks and 11 batteries)
Ammunition	
8 gauge	500
12 gauge	102
.177	3177
.22	2520
.32 ACP	23
7.62x25	909
9x17 mm	2
9x19 mm	187
Other handguns ammunition	488 (including blanks)
5.56x45	1
7.62 x 39 mm	1958
7.62x51	99
7.62 x 54	1250
12.7x99	3
14.5 mm	7
PG7	65
68 mm SNEB rocket	1
40 mm grenades	5
Defensive hand grenades	56
Offensive hand grenades	24
Anti-tank mines	47
Other	Grenades fuse systems, electric detonators

Annex XIII

Proliferation of man-portable air defence systems from Libya

Most of the MANPADS in Libya are SA-7b models produced by various countries in the 1970s and the 1980s. According to international experts who have tested Libyan SA-7bs components this year, some are still serviceable despite their age. Risks related to their proliferation have been a focus for the international community, and the Council adopted resolution 2017 (2009) at the end of the Libyan revolution reflect these concerns.

Despite efforts by Libya and other countries to account for and secure MANPADS in Libya, Panel sources stated that thousands of MANPADS were still available in arsenals controlled by a wide array of non-state actors with tenuous or non-existent links to Libyan national authorities.

Seizures abroad

Fears that terrorist groups would acquire these weapons have materialized. To date the Panel has documented transfers of Libyan MANPADS and other short range surface to air missiles in four different countries: including Chad. Mali, Tunisia, Lebanon and potentially in the Central African Republic. (the latter case still being under investigation Those found in Mali and Tunisia in 2013 were clearly part of terrorist groups' arsenals.

While complete systems were recovered in Chad, Lebanon, Mali and Tunisia, no grip stocks were documented in the Central African Republic to date.

The seizure made on the Letfallah II proved that there had been attempts to transfer MANPADS to the Syrian opposition from Libya. The systems found on the Letfallah II included SA-7bs as well as SA-24s short range surface-to-air missiles (a version which is not man-portable).

To the knowledge of the Panel, no MANPADS attacks have been documented in the Sahel region since the Libyan uprising, however, a successful MANPADS attack has reportedly been conducted recently by insurgents in the Sinai.

Annex XIV

Judgement in the case of Libya vs. Capitana Seas Ltd.

IN THE HIGH COURT OF JUSTICE
COMMERCIAL COURT
[2012] EWHC 602 (Com)

2011/1457

Royal Courts of Justice
Friday, 9th March 2012

Before:

MR. JUSTICE POPPLEWELL

BETWEEN:

THE STATE OF LIBYA — Claimant

- and -

CAPITANA SEAS LIMITED — Defendant

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MR. G. MITCHELL QC (instructed by MS Legal) appeared on behalf of the Claimant.

THE DEFENDANT did not attend and was not represented.

JUDGMENT

(Approved)

MR. JUSTICE POPPLEWELL:

1. I am satisfied that that this is a case in which I should give judgment pursuant to CPR.12.4 in terms that, subject to the consent from Her Majesty's Treasury, the defendant is to convey, or cause to be conveyed, the legal estate in the property at 7 Winnington Close, Hampstead Gardens Suburb, London N2 0UA, registered at HM Land Registry, under the number NGL256694, to the claimant within 14 days of the date of the order. Paragraph 2 will be as per the draft order. I will assess summarily the costs of the claim at £120,000 to be paid to the Claimant, by the Defendant, within 14 days of the date of this order.

2. I am satisfied that it is appropriate and that justice requires the grant of the relief in that form for the following reasons. In relation to declaratory relief, Neuberger J (as he then was) said, in *EIC Services Limited v. Phipps* [2003] 1 WLR 2360, at para.209, that the relevant question, when the court was exercising its discretion as to whether to grant a declaration, was that:

> "... the court should bear in mind justice to the parties, the extent to which a declaration would serve a useful purpose, and whether there are any special reasons, in favour or against granting a declaration. In effect, the discretion is one whose exercise depends very much on the particular facts of the particular case."

Although I am not, in the event, being asked to grant a declaration, in my view, the same considerations apply in relation to exercising my discretion under CPR.12.4 in relation to relief to which there is no automatic entitlement to judgment in default of acknowledgment of service.

3. The relevant factors in this case are these. I am satisfied, on the evidence which has been put before me, that Saadi Quaddafi is the sole ultimate beneficial owner of the Defendant company. I am satisfied, on the evidence before me, that the property was wrongfully and unlawfully purchased with funds belonging to the Claimant. In those circumstances, the beneficial interest in the property is held by the Defendant, for the Claimant, as constructive trustee.

4. I am also satisfied, from the evidence I have been shown, that Saadi Quaddafi is aware of these proceedings and is aware of the present application, such that he could have intervened, and the Defendant could have taken steps to resist the claim and to oppose the present application, should either the Defendant or Saadi Quaddafi have chosen so to do. It is clear to me that a decision has been

taken both by the Defendant and by Saadi Quaddafi, as its ultimate beneficial owner, not to contest the proceedings or to resist the relief which is sought.

5. In any event, the order which I make will afford a further opportunity to the defendant to resist the claim by making an application pursuant to CPR.13.3 in accordance with those provisions.

6. Moreover, I am satisfied therefore that it is unlikely that there will be any further evidence from the Defendant beyond that which is currently before me at any subsequent stage of the proceedings.

7. This is a case in which the substantive relief sought is a claim to property, and the relief sought is simply the appropriate and necessary relief in a form to enable the property to be transferred.

8. In those circumstances, I will make the order in the form which I have indicated.

Confidential annex I

Notification process concerning the transfer of materiel aboard the *Nour M**

* The annex has not been reproduced in the present document because it is confidential.

Confidential annex II

Mali ammunition profile*

* The annex has not been reproduced in the present document because it is confidential.